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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10894

ESTABLISHING THE PRESIDENT'S COMMITTEE ON MIGRATORY LABOR

WHEREAS migratory labor plays an essential part in the Nation's economy, particularly in agriculture, in jobs of a temporary or seasonal nature; and

WHEREAS a substantial number of workers and their families migrate annually to find employment on farms and in rural communities, and perform services in many States; and

WHEREAS most of such workers are unskilled and have annual earnings that are low; travel and housing conditions that are often substandard; limited educational opportunities for their children because of migration; less access to community services than permanent residents; and, because of the seasonal or short-term nature of their employment, have difficulty in accumulating assets adequate for satisfactory living conditions; and

WHEREAS many of the workers and their families are handicapped in seeking economic and social attainments because of the seasonal nature of their employment; and

WHEREAS it is in the national interest to assist such migratory workers and their families in achieving working and living conditions more compatible with those of other workers in the Nation; and

WHEREAS on August 26, 1954, I established a Federal Interdepartmental Committee on Migratory Labor, later designated as the President's Committee on Migratory Labor, to assume leadership

in developing cooperative relations in improving the social and economic welfare of our domestic migratory farm workers; and

WHEREAS, in order that the President's Committee on Migratory Labor may be enabled to make even greater progress toward the achievement of its objectives, it is now appropriate to consolidate its accomplishments and to provide for more formal Federal organization for its activities with respect to migratory labor programs, and with continuing recognition of the responsibility of the individual States in the field of migratory labor:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) There is hereby established, subject to the provisions of this order, the President's Committee on Migratory Labor (hereinafter referred to as the Committee), which shall be composed of the Secretary of Labor, who shall be Chairman of the Committee, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Health, Education, and Welfare, and the Administrator of the Housing and Home Finance Agency.

(b) To assure effective functioning of the Committee and uninterrupted participation of each department and agency represented on the Committee, the head of each such department or agency shall designate an appropriate officer or employee of his department or agency as an alternate member to participate in the affairs of the Committee whenever the member may be absent or otherwise unable to participate.

(c) The Committee may request the head of any other Federal department or

agency to designate a representative to participate in the affairs of the Committee as desirable in furthering the work of migratory labor programs.

SEC. 2. The Committee shall (1) maintain continuing review and assessment of the needs of migrant workers and their families, (2) aid the various Federal agencies in mobilizing, stimulating, and coordinating more effective programs and services for such migrants and in providing services to State and local areas through their constituent agencies, (3) facilitate and encourage the development of actions designed to promote improved living and working conditions of migratory workers, and (4) work with State and other public and non-public agencies in improving the living and working conditions of migratory workers. To these ends the Committee is empowered to enlist the aid and cooperation of Federal officials, Governors' Committees, local committees, National civic and church groups, and employer and worker organizations.

SEC. 3. The Departments and agencies represented on the Committee shall, as may be necessary for the purpose of effectuating the provisions of this order, furnish assistance to the Committee, including detailing of personnel, but excluding transfer of funds, in accordance with section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691), or any other applicable laws. The Department of Labor shall provide necessary space and facilities for the Committee.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 15, 1960.

[F.R. Doc. 60-10779; Filed, Nov. 15, 1960;
4:48 p.m.]

Rules and Regulations

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Chattahoochee River, Ga., and Ala.; Intracoastal Waterway, Fla.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (i) (11) to include the State of Alabama Highway Department bridge across Chattahoochee River at Alaga, Alabama, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance is not required.

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(11) Chattahoochee River, Ga. and Ala.; State of Alabama Highway Department bridge on U.S. Highway 84 and Atlantic Coast Line Railroad Company bridge at Alaga, Ala., Central of Georgia Railway Company bridge at Columbia, Ala., and Seaboard Air Line Railway Company bridge near Omaha, Ga. At least 6 hours' advance notice required.

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.446a governing the operation of the Hollywood Boulevard bridge across the Intracoastal Waterway, Hollywood, Florida, is hereby amended by changing paragraph (a), redesignating paragraphs (b) and (c) as (c) and (d), adding a new paragraph (b) to prescribe additional closed periods, and inserting in redesignated paragraph (c) the signal for opening the drawbridge, as follows:

§ 203.446a Intracoastal Waterway, Fla.; Hollywood Boulevard bridge, Hollywood, Fla.

(a) * * *, and except as provided in paragraph (c) of this section.

(b) During the period May 16 to November 14, inclusive, on Saturdays, Sundays, Memorial Day, Independence Day, Labor Day and Veterans Day, the owner of or agency controlling the bridge will not be required to open the drawspan between the hours of 9:00 a.m. and 7:00 p.m., except on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass, and except as provided in paragraph (c) of this section.

(c) Upon receipt of the proper signal the draw shall be opened at any time to allow the passage of a tow, sailing vessel, vessel in distress, and cruise boats oper-

ating on regular schedule. The proper signal for such openings shall be indicated by four blasts of a whistle, horn or similar device.

(d) The owner or agency controlling the bridge shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides thereof in such manner that it can be easily read at any time.

Effective date. These amendments shall become effective upon their publication in the FEDERAL REGISTER.

[Regs., November 4, 1960, 285/91-ENGOW-O] (28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-10701; Filed, Nov. 16, 1960; 8:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Statement of considerations. The Atomic Energy Commission's regulation 10 CFR Part 20 is hereby republished for the purpose of incorporating into one document all amendments to the regulation to date, including the amendment published in the FEDERAL REGISTER on September 7, 1960, to become effective January 1, 1961.

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AUTHORITY: §§ 20.1 to 20.601 issued under sec. 161, 68 Stat. 948, as amended; 42 U. S. C. 2201.

GENERAL PROVISIONS

§ 20.1 Purpose.

(a) The regulations in this part establish standards for protection against radiation hazards arising out of activities under licenses issued by the Atomic Energy Commission and are issued pursuant to the Atomic Energy Act of 1954 (68 Stat. 919).

(b) The use of radioactive material or other sources of radiation not licensed by the Commission is not subject to the regulations in this part. However, it is the purpose of the regulations in this part to control the possession, use, and transfer of licensed material by any licensee in such a manner that exposure to such material and to radiation from such material, when added to exposures to unlicensed radioactive material and to other unlicensed sources of radiation in the possession of the licensee, and to radiation therefrom, does not exceed the standards of radiation protection prescribed in the regulations in this part.

§ 20.2 Scope.

The regulations in this part apply to all persons who receive, possess, use or transfer byproduct material, source material, or special nuclear material under a general or specific license issued by the Commission pursuant to the regulations in Part 30, 40, or 70 of this chapter.

§ 20.3 Definitions.

(a) As used in this part:

(1) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto;

(2) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, mists, vapors, or gases;

(3) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(4) "Calendar quarter" means any period determined according to either of the following subdivisions:

(i) January 1 to March 31, inclusive; April 1 to June 30, inclusive; July 1 to September 30, inclusive; October 1 to December 31, inclusive; or

(ii) The first period in a calendar year of 13 complete, consecutive calendar weeks; the second period in a calendar year of 13 complete, consecutive calendar weeks; the third period in a calendar year of 13 complete, consecutive calendar weeks; the fourth period in a calendar year of 13 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete calendar week of that year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete calendar week of the previous year.

No licensee shall change the method observed by him of determining calendar quarters for purposes of this part except at the beginning of a calendar year.

(5) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(6) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(7) "Individual" means any human being;

(8) "Licensed material" means source material, special nuclear material, or byproduct material received, possessed, used, or transferred under a general or specific license issued by the Commission pursuant to the regulations in this chapter;

(9) "License" means a license issued under the regulations in Part 30, 40, or 70 of this chapter. "Licensee" means the holder of such license;

(10) "Occupational dose" includes exposure of an individual to radiation (i) in a restricted area; or (ii) in the course of employment in which the individual's duties involve exposure to radiation; provided, that "occupational dose" shall not be deemed to include any exposure of an individual to radiation for the purpose of medical diagnosis or medical therapy of such individual.

(11) "Person" means (i) any individual, corporation, partnership, firm, association, trust, estate, public or private

institution, group, Government agency other than the Commission, any State, any foreign government or nation or any political subdivision of any such government or nations, or other entity; and (ii) any legal successor, representative, agent, or agency of the foregoing;

(12) "Radiation" means any or all of the following: alpha rays, beta rays, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other atomic particles; but not sound or radio waves, or visible, infrared, or ultraviolet light;

(13) "Radioactive material" includes any such material whether or not subject to licensing control by the Commission;

(14) "Restricted area" means any area access to which is controlled by the licensee. "Restricted area" shall not include any areas used as residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area;

(15) "Source material" means any material except special nuclear material, which contains by weight one-twentieth of one percent (0.05 percent or more of (i) uranium, (ii) thorium, or (iii) any combination thereof);

(16) "Special nuclear material" means (i) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the act, determines to be special nuclear material, but does not include source material; or (ii) any material artificially enriched by any of the foregoing but does not include source material;

(17) "Unrestricted area" means any area entry into which is not controlled by the licensee, and any area used for residential quarters.

(b) Definitions of certain other words and phrases as used in this part are set forth in other sections, including:

(1) "Airborne radioactivity area" defined in § 20.203;

(2) "Radiation area" and "high radiation area" defined in § 20.202;

(3) "Personnel monitoring equipment" defined in § 20.202;

(4) "Survey" defined in § 20.201;

(5) Units of measurement of dose (rad, rem) defined in § 20.4;

(6) Units of measurement of radioactivity defined in § 20.5.

§ 20.4 Units of radiation dose.

(a) "Dose," as used in this part, is the quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body. When the regulations in this part specify a dose during a period of time, the dose means the total quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body during such period of time. Several different units of dose are in current use. Definitions of units as used in this part are set forth in paragraphs (b) and (c) of this section.

(b) The rad, as used in this part, is a measure of the dose of any ionizing radiation to body tissues in terms of the energy absorbed per unit mass of the tissue. One rad is the dose corresponding to the absorption of 100 ergs per gram

of tissue. (One millirad (mrad) = 0.001 rad.)

(c) The rem, as used in this part, is a measure of the dose of any ionizing radiation to body tissue in terms of its estimated biological effect relative to a dose of one roentgen (r) of X-rays. (One millirem (mrem) = 0.001 rem.) The relation of the rem to other dose units depends upon the biological effect under consideration and upon the conditions of irradiation. For the purpose of the regulations in this part, any of the following is considered to be equivalent to a dose of one rem:

(1) A dose of 1 r due to X- or gamma radiation;

(2) A dose of 1 rad due to X-, gamma, or beta radiation;

(3) A dose of 0.1 rad due to neutrons or high energy protons;

(4) A dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye; If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron dose in rads, as provided in subparagraph (3) of this paragraph, one rem of neutron radiation may, for purposes of the regulations in this part, be assumed to be equivalent to 14 million neutrons per square centimeter incident upon the body; or, if there exists sufficient information to estimate with reasonable accuracy the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to one rem may be estimated from the following table:

NEUTRON FLUX DOSE EQUIVALENTS

Neutron energy (Mev)	Number of neutrons per square centimeter equivalent to a dose of 1 rem (neutrons/cm ²)	Average flux to deliver 100 millirem in 40 hours (neutrons/cm ² per sec.)
Thermal.....	970×10 ⁶	670
0.0001.....	720×10 ⁶	500
0.005.....	820×10 ⁶	570
0.02.....	400×10 ⁶	280
0.1.....	120×10 ⁶	80
0.5.....	43×10 ⁶	30
1.0.....	26×10 ⁶	18
2.5.....	29×10 ⁶	20
5.0.....	26×10 ⁶	18
7.5.....	24×10 ⁶	17
10.....	24×10 ⁶	17
10 to 30.....	14×10 ⁶	10

(d) For determining exposures to X or gamma rays up to 3 Mev, the dose limits specified in §§ 20.101 to 20.104, inclusive, may be assumed to be equivalent to the "air dose". For the purpose of this part "air dose" means that the dose is measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of highest dosage rate.

§ 20.5 Units of radioactivity.

(a) Radioactivity is commonly, and for purposes of the regulations in this part shall be, measured in terms of disintegrations per unit time or in curies. One curie (c) = 3.7×10¹⁰ disintegrations per second (dps) = 2.2×10¹² disintegrations per minute (dpm). A commonly used submultiple of the curie is the microcurie (μc). One μc = 0.000001 c = 3.7×10⁴ dps = 2.2×10⁶ dpm.

(b) For purposes of the regulations in this part, it may be assumed that the daughter activity concentrations in the following table are equivalent to an air concentration of 10^{-7} microcuries of Radon 222 per milliliter of air in equilibrium with the daughters RaA, RaB, RaC, and RaC':

Maximum time between collection and measurement (hours) ¹	Alpha-emitting daughter activity collected per milliliter of air	
	Microcuries/cc	Total alpha disintegrations per minute per cc.
0.5-----	7.2×10^{-8}	0.16
1-----	4.5×10^{-8}	0.10
2-----	1.3×10^{-8}	0.028
3-----	0.3×10^{-8}	0.0072

¹ The duration of sample collection and the duration of measurement should be sufficiently short compared to the time between collection and measurement, as not to have a statistically significant effect upon the results.

(c) **Natural uranium and natural thorium.** (1) For purposes of the regulations in this part, one curie of natural uranium (U-natural in Appendix B or C) means the sum of 3.7×10^{10} disintegrations per second from U-238 plus 3.7×10^{10} dis/sec from U-234 plus 9×10^8 dis/sec from U-235. Also, a curie of natural thorium (thorium-natural in Appendix B or C) means the sum of 3.7×10^{10} dis/sec from Th²³² plus 3.7×10^{10} dis/sec from Th²³⁰.

(2) For the purpose of the regulations in this part, one curie of natural uranium (U-natural in Appendix B or C) is equivalent to 3,000 kilograms, or 6,615 pounds of natural uranium; and one curie of natural thorium (thorium-natural in Appendix B or C) is equivalent to 9,000 kilograms or 19,850 pounds of natural thorium.

§ 20.6 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 20.7 Communications.

All communications and reports concerning the regulations in this part, and applications filed under them, should be addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Division of Licensing and Regulation. Communications and reports may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C., or its offices at Germantown, Md.

§ 20.101 Exposure of individuals to radiation in restricted areas.

(a) Except as provided in paragraph (b) of this section, no licensee shall possess, use, or transfer licensed material in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter from radioactive material and other sources of radiation in the licensee's possession a dose in excess of the limits specified in the following table:

Rems per calendar quarter

1. Whole body; head and trunk; active blood-forming organs; lens of eyes; or gonads----- $1\frac{1}{4}$
2. Hands and forearms; feet and ankles----- $18\frac{3}{4}$
3. Skin of whole body----- $7\frac{1}{2}$

(b) A licensee may permit an individual in a restricted area to receive a dose to the whole body greater than that permitted under paragraph (a) of this section, provided:

(1) During any calendar quarter the dose to the whole body from radioactive material and other sources of radiation in the licensee's possession shall not exceed 3 rems; and

(2) The dose to the whole body, when added to the accumulated occupational dose to the whole body, shall not exceed 5 (N-18) rems where "N" equals the individual's age in years at his last birthday; and

(3) The licensee has determined the individual's accumulated occupational dose to the whole body on Form AEC-4, or on a clear and legible record containing all the information required in that form; and has otherwise complied with the requirements of § 20.102. As used in paragraph (b), "Dose to the whole body" shall be deemed to include any dose to the whole body, gonads, active blood-forming organs, head and trunk, or lens of eye.

§ 20.102 Determination of accumulated dose.

(a) This section contains requirements which must be satisfied by licensees who propose, pursuant to paragraph (b) of § 20.101, to permit individuals in a restricted area to receive exposure to radiation in excess of the limits specified in paragraph (a) of § 20.101.

(b) Before permitting any individual in a restricted area to receive exposure to radiation in excess of the limits specified in paragraph (a) of § 20.101, each licensee shall:

(1) Obtain a certificate on Form AEC-4, or on a clear and legible record containing all the information required in that form, signed by the individual showing each period of time after the individual attained the age of 18 in which the individual received an occupational dose of radiation; and

(2) Calculate on Form AEC-4 in accordance with the instructions appearing therein, or on a clear and legible record containing all the information required in that form, the previously accumulated occupational dose received by the individual and the additional dose allowed for that individual under § 20.101(b).

(c) (1) In the preparation of Form AEC-4, or a clear and legible record containing all the information required in that form, the licensee shall make a reasonable effort to obtain reports of the individual's previously accumulated occupational dose. For each period for which the licensee obtains such reports, the licensee shall use the dose shown in the report in preparing the form. In any case where a licensee is unable to obtain reports of the individual's occu-

pational dose for a previous complete calendar quarter, it shall be assumed that the individual has received the occupational dose specified in whichever of the following columns apply:

Part of body	Column 1	Column 2
	Assumed exposure in rems for calendar quarters prior to Jan. 1, 1961	Assumed exposure in rems for calendar quarters beginning on or after Jan. 1, 1961
Whole body, gonads, active blood-forming organs, head and trunk, lens of eye.	$3\frac{3}{4}$	$1\frac{1}{4}$

(2) The licensee shall retain and preserve records used in preparing Form AEC-4.

If calculation of the individual's accumulated occupational dose for all periods prior to January 1, 1961 yields a result higher than the applicable accumulated dose value for the individual as of that date, as specified in paragraph (b) of § 20.101, the excess may be disregarded.

§ 20.103 Exposure of individuals to concentrations of radioactive material in restricted areas.

(a) No licensee shall possess, use or transfer licensed material in such a manner as to cause any individual in a restricted area to be exposed to airborne radioactive material possessed by the licensee in an average concentration in excess of the limits specified in Appendix B, Table I, of this part. "Exposure" as used in this section means that the individual is present in an airborne concentration. No allowance shall be made for the use of protective clothing or equipment, or particle size, except as authorized by the Commission pursuant to paragraph (c) of this section.

(b) The limits given in Appendix B, Table I, of this part are based upon exposure to the concentrations specified for forty hours in any period of seven consecutive days. In any such period where the number of hours of exposure is less than forty, the limits specified in the table may be increased proportionately. In any such period where the number of hours of exposure is greater than forty, the limits specified in the table shall be decreased proportionately.

(c) (1) Except as authorized by the Commission pursuant to this paragraph, no allowance shall be made for particle size or the use of protective clothing or equipment in determining whether an individual is exposed to an airborne concentration in excess of the limits specified in Appendix B, Table I.

(2) The Commission may authorize a licensee to expose an individual in a restricted area to airborne concentrations in excess of the limits specified in Appendix B, Table I, upon receipt of an application demonstrating that the concentration is composed in whole or in part of particles of such size that such particles are not respirable; and that the individual will not inhale the con-

centrations in excess of the limits established in Appendix B, Table I. Each application under this subparagraph shall include an analysis of particle sizes in the concentrations; and a description of the methods used in determining the particle sizes.

(3) The Commission may authorize a licensee to expose an individual in a restricted area to airborne concentrations in excess of the limits specified in Appendix B, Table I, upon receipt of an application demonstrating that the individual will wear appropriate protective equipment and that the individual will not inhale, ingest or absorb quantities of radioactive material in excess of those which might otherwise be permitted under this part for employees in restricted areas during a 40-hour week. Each application under this subparagraph shall contain the following information:

- (i) A description of the protective equipment to be employed, including the efficiency of the equipment for the material involved;
- (ii) Procedures for the fitting, maintenance and cleaning of the protective equipment; and
- (iii) Procedures governing the use of the protective equipment, including supervisory procedures and length of time the equipment will be used by the individuals in each work week. The proposed periods for use of the equipment by any individual should not be of such duration as would discourage observance by the individual of the proposed procedures; and
- (iv) The average concentrations present in the areas occupied by employees.

§ 20.104 Exposure of minors.

(a) No licensee shall possess, use or transfer licensed material in such a manner as to cause any individual within a restricted area who is under 18 years of age, to receive in any period of one calendar quarter from radioactive material and other sources of radiation in the licensee's possession a dose in excess of 10 percent of the limits specified in the table in paragraph (a) of § 20.101.

(b) No licensee shall possess, use or transfer licensed material in such a manner as to cause any individual within a restricted area, who is under 18 years of age to be exposed to airborne radioactive material possessed by the licensee in an average concentration in excess of the limits specified in Appendix B, Table II of this part. For purposes of this paragraph, concentrations may be averaged over periods not greater than a week.

(c) The provisions of paragraph (c) of § 20.103, shall apply to exposures subject to paragraph (b) of this section.

§ 20.105 Permissible levels of radiation in unrestricted areas.

(a) There may be included in any application for a license or for amendment of a license proposed limits upon levels of radiation in unrestricted areas resulting from the applicant's possession or use of radioactive material and other sources of radiation. Such applications should include information as to anticipated average radiation levels and an-

anticipated occupancy times for each unrestricted area involved. The Commission will approve the proposed limits if the applicant demonstrates that the proposed limits are not likely to cause any individual to receive a dose to the whole body in any period of one calendar year in excess of 0.5 rem.

(b) Except as authorized by the Commission pursuant to paragraph (a) of this section, no licensee shall possess, use or transfer licensed material in such a manner as to create in any unrestricted area from radioactive material and other sources of radiation in his possession:

- (1) Radiation levels which, if an individual were continuously present in the area, could result in his receiving a dose in excess of two millirems in any one hour, or
- (2) Radiation levels which, if an individual were continuously present in the area, could result in his receiving a dose in excess of 100 millirems in any seven consecutive days.

§ 20.106 Concentrations in effluents to unrestricted areas.

(a) There may be included in any application for a license or for amendment of a license proposed limits upon concentrations of licensed and other radioactive material released into air or water in unrestricted areas as a result of the applicant's proposed activities. Such applications should include information as to anticipated average concentrations and anticipated occupancy times for each unrestricted area involved. The Commission will approve the proposed limits if the applicant demonstrates that it is not likely that any individual will be exposed to concentrations in excess of the limits specified in Appendix B, Table II, of this part. For purposes of this paragraph concentrations may be averaged over periods not greater than one year.

(b) Except as authorized by the Commission pursuant to § 20.302 or paragraph (a) of this section, no licensee shall possess, use or transfer licensed material in such a manner as to release into air or water in any unrestricted area any concentration of radioactive material in excess of the limits specified in Appendix B, Table II, of this part. For purposes of this paragraph, concentrations may be averaged over periods not greater than one year.

(c) For purposes of this section, determinations as to the concentration of radioactive material shall be made with respect to the point where such material leaves the restricted area. Where the radioactive material is discharged through a stack, tube, pipe, or similar conduit, the determination may be made with respect to the point where the material leaves such conduit.

(d) The provisions of this section do not apply to disposal of radioactive material into sanitary sewerage systems (see § 20.303).

§ 20.107 Medical diagnosis and therapy.

Nothing in the regulations in this part shall be interpreted as limiting the intentional exposure of patients to radiation for the purpose of medical diagnosis or medical therapy.

§ 20.108 Orders requiring furnishing of bio-assay services.

Where necessary or desirable in order to aid in determining the extent of an individual's exposure to concentrations of radioactive material, the Commission may incorporate appropriate provisions in any license, directing the licensee to make available to the individual appropriate bio-assay services and to furnish a copy of the reports of such services to the Commission.

PRECAUTIONARY PROCEDURES

§ 20.201 Surveys.

(a) As used in the regulations in this part, "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present.

(b) Each licensee shall make or cause to be made such surveys as may be necessary for him to comply with the regulations in this part.

§ 20.202 Personnel monitoring.

(a) Each licensee shall supply appropriate personnel monitoring equipment to, and shall require the use of such equipment by:

(1) Each individual who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a) of § 20.101.

(2) Each individual under 18 years of age who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the applicable value specified in paragraph (a) of § 20.101.

(3) Each individual who enters a high radiation area.

(b) As used in this part,

(1) "Personnel monitoring equipment" means devices designed to be worn or carried by an individual for the purpose of measuring the dose received (e. g., film badges, pocket chambers, pocket dosimeters, film rings, etc.);

(2) "Radiation area" means any area, accessible to personnel, in which there exists radiation, originating in whole or in part within licensed material, at such levels that a major portion of the body could receive in any one hour a dose in excess of 5 millirem, or in any 5 consecutive days a dose in excess of 100 millirems;

(3) "High radiation area" means any area, accessible to personnel, in which there exists radiation originating in whole or in part within licensed material at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirem.

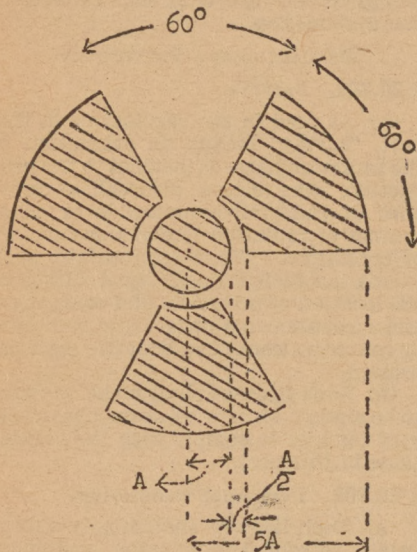
§ 20.203 Caution signs, labels, and signals.

(a) General. (1) Except as otherwise authorized by the Commission, sym-

bols prescribed by this section shall use the conventional radiation caution colors (magenta or purple on yellow background). The symbol prescribed by this section is the conventional three-bladed design:

RADIATION SYMBOL

1. Cross-hatched area is to be magenta or purple.
2. Background is to be yellow.



(2) In addition to the contents of signs and labels prescribed in this section, licensees may provide on or near such signs and labels any additional information which may be appropriate in aiding individuals to minimize exposure to radiation or to radioactive material.

(b) *Radiation areas.* Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION¹

RADIATION AREA

(c) *High radiation areas.* (1) Each high radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION¹

HIGH RADIATION AREA

(2) Each high radiation area shall be equipped with a control device which shall either cause the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirem in one hour upon entry into the area or shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering and the licensee or a supervisor of the activity are made aware of the entry. In the case of a high radiation area established for a period of 30 days or less, such control device is not required.

(d) *Airborne radioactivity areas.* (1) As used in the regulations in this part, "airborne radioactivity area" means (i) any room, enclosure, or operating area in which airborne radioactive materials, composed wholly or partly of licensed material, exist in concentrations in ex-

cess of the amounts specified in Appendix B, Table I, Column 1 of this part; or (ii) any room, enclosure, or operating area in which airborne radioactive material composed wholly or partly of licensed material exists in concentrations which, averaged over the number of hours in any week during which individuals are in the area, exceed 25 percent of the amounts specified in Appendix B, Table I, Column 1 of this part.

(2) Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION¹

AIRBORNE RADIOACTIVITY AREA

(e) *Additional requirements.* (1) Each area or room in which licensed material is used or stored and which contains any radioactive material (other than natural uranium or thorium) in an amount exceeding 10 times the quantity of such material specified in Appendix C of this part shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION¹

RADIOACTIVE MATERIAL(S)

(2) Each area or room in which natural uranium or thorium is used or stored in an amount exceeding one-hundred times the quantity specified in Appendix C of this part shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION¹

RADIOACTIVE MATERIAL(S)

(f) *Containers.* (1) Each container in which is transported, stored, or used a quantity of any licensed material (other than natural uranium or thorium) greater than the quantity of such material specified in Appendix C of this part shall bear a durable, clearly visible label bearing the radiation caution symbol and the words:

CAUTION¹

RADIOACTIVE MATERIAL

(2) Each container in which natural uranium or thorium is transported, stored, or used in a quantity greater than ten times the quantity specified in Appendix C of this part shall bear a durable, clearly visible label bearing the radiation caution symbol and the words:

CAUTION¹

RADIOACTIVE MATERIAL

(3) Notwithstanding the provisions of subparagraphs (1) and (2) a label shall not be required:

(i) If the concentration of the material in the container does not exceed that specified in Appendix B, Table I, Column 2 of this part, or

(ii) For laboratory containers, such as beakers, flasks, and test tubes, used transiently in laboratory procedures, when the user is present.

(4) Where containers are used for storage, the labels required in this paragraph shall state also the quantities and kinds of radioactive materials in the containers and the date of measurement of the quantities.

§ 20.204 Exceptions from posting requirements.

Notwithstanding the provisions of § 20.203,

(a) A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level twelve inches from the surface of the source container or housing does not exceed five millirem per hour.

(b) Rooms or other areas in hospitals are not required to be posted with caution signs because of the presence of patients containing byproduct material provided that there are personnel in attendance who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the regulations in this part.

(c) Caution signs are not required to be posted at areas or rooms containing radioactive materials for periods of less than eight hours provided that (1) the materials are constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive materials in excess of the limits established in the regulations in this part and; (2) such area or room is subject to the licensee's control.

§ 20.205 Exemptions for radioactive materials packaged for shipment.

Radioactive materials packaged and labeled in accordance with regulations of the Interstate Commerce Commission shall be exempt from the labeling and posting requirements of § 20.203 during shipment, provided that the inside containers are labeled in accordance with the provisions of § 20.203(f).

§ 20.206 Instruction of personnel; posting of notices to employees.

(a) All individuals working in or frequenting any portion of a restricted area shall be informed of the occurrence of radioactive materials or of radiation in such portions of the restricted area; shall be instructed in the safety problems associated with exposure to such materials or radiation and in precautions or procedures to minimize exposure; shall be instructed in the applicable provisions of Commission regulations and licenses for the protection of personnel from exposures to radiation or radioactive materials; and shall be advised of reports of radiation exposure which employees may request pursuant to these regulations.

(b) Each licensee shall post a current copy of the regulations in this part, a copy of the license, and a copy of operating procedures applicable to work under the license conspicuously in a sufficient number of places in every establishment where employees are employed in activities licensed by the Commission to permit them to observe such documents on the way to or from their place of employment or shall keep such documents available for employees' examination upon request.

(c) Form AEC-3 "Notice to Employees", shall be conspicuously posted

¹ Or "Danger".

in a sufficient number of places in every establishment where employees are employed in activities licensed by the Commission to permit them to observe a copy on the way to or from their place of employment.

NOTE: Copies of Form AEC-3 "Notice to Employees", may be obtained by writing to the Manager, appropriate AEC Operations Office or the Director, Division of Licensing and Regulation, Washington 25, D.C.

§ 20.207 Storage of licensed materials.

Licensed materials stored in an unrestricted area shall be secured against unauthorized removal from the place of storage.

WASTE DISPOSAL

§ 20.301 General requirement.

No licensee shall dispose of licensed material except:

(a) By transfer to an authorized recipient as provided in the regulations in Part 30, 40, or 70 of this chapter, whichever may be applicable; or

(b) As authorized pursuant to § 20.302; or

(c) As provided in § 20.303 or § 20.304, applicable respectively to the disposal of licensed material by release into sanitary sewerage systems or burial in soil, or in § 20.106 (Concentrations in Effluents to Unrestricted Areas).

§ 20.302 Method for obtaining approval of proposed disposal procedures.

Any licensee or applicant for a license may apply to the Commission for approval of proposed procedures to dispose of licensed material in a manner not otherwise authorized in the regulations in this chapter. Each application should include a description of the licensed material and any other radioactive material involved, including the quantities and kinds of such material and the levels of radioactivity involved, and the proposed manner and conditions of disposal. The application should also include an analysis and evaluation of pertinent information as to the nature of the environment, including topographical, geological, meteorological, and hydrological characteristics; usage of ground and surface waters in the general area; the nature and location of other potentially affected facilities; and procedures to be observed to minimize the risk of unexpected or hazardous exposures.

§ 20.303 Disposal by release into sanitary sewerage systems.

No licensee shall discharge licensed material into a sanitary sewerage system unless:

(a) It is readily soluble or dispersible in water; and

(b) The quantity of any licensed or other radioactive material released into the system by the licensee in any one day does not exceed the larger of subparagraphs (1) or (2) of this paragraph:

(1) The quantity which, if diluted by the average daily quantity of sewage released into the sewer by the licensee, will result in an average concentration equal to the limits specified in Appendix B, Table I, Column 2 of this part; or

(2) Ten times the quantity of such material specified in Appendix C of this part; and

(c) The quantity of any licensed or other radioactive material released in any one month, if diluted by the average monthly quantity of water released by the licensee, will not result in an average concentration exceeding the limits specified in Appendix B, Table I, Column 2 of this part; and

(d) The gross quantity of licensed and other radioactive material released into the sewerage system by the licensee does not exceed one curie per year.

Excreta from individuals undergoing medical diagnosis or therapy with radioactive material shall be exempt from any limitations contained in this section.

§ 20.304 Disposal by burial in soil.

No licensee shall dispose of licensed material by burial in soil unless:

(a) The total quantity of licensed and other radioactive materials buried at any one location and time does not exceed, at the time of burial, 1,000 times the amount specified in Appendix C of this part; and

(b) Burial is at a minimum depth of four feet; and

(c) Successive burials are separated by distances of at least six feet and not more than 12 burials are made in any year.

§ 20.305 Treatment or disposal by incineration.

No licensee shall treat or dispose of licensed material by incineration except as specifically approved by the Commission, pursuant to §§ 20.106(a) and 20.302.

RECORDS, REPORTS, AND NOTIFICATION

§ 20.401 Records of surveys, radiation monitoring, and disposal.

(a) Each licensee shall maintain records showing the radiation exposures of all individuals for whom personnel monitoring is required under § 20.202 of the regulations in this part. Such records shall be kept on Form AEC-5, in accordance with the instructions contained in that form or on clear and legible records containing all the information required by Form AEC-5. The doses entered on the forms or records shall be for periods of time not exceeding one calendar quarter.

(b) Each licensee shall maintain records in the same units used in the appendices to this part, showing the results of surveys required by § 20.201 (b), and disposals made under §§ 20.302, 20.303, and 20.304.

(c) Records of individual radiation exposure which must be maintained pursuant to the provisions of this subsection shall be preserved until December 31, 1965 or until a date five years after termination of the individual's employment, whichever is later. Records which must be maintained pursuant to this part may be maintained in the form of microfilms.

NOTE: Prior to December 31, 1965 the Commission may amend this paragraph to assure the further preservation of records which it determines should not be destroyed.

§ 20.402 Reports of theft or loss of licensed material.

Each licensee shall report by telephone and telegraph to the Manager of the nearest Atomic Energy Commission Operations Office listed in Appendix D, immediately after its occurrence becomes known to the licensee, any loss or theft of licensed material in such quantities and under such circumstances that it appears to the licensee that a substantial hazard may result to persons in unrestricted areas.

§ 20.403 Notifications of incidents.

(a) *Immediate notification.* Each licensee shall immediately notify the Manager of the appropriate Atomic Energy Commission Operations Office shown in Appendix D by telephone and telegraph of any incident involving byproduct, source or special nuclear material possessed by him and which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of any individual of 150 rems or more of radiation; or exposure of the feet, ankles, hands or forearms of any individual to 375 rems or more of radiation; or

(2) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 5,000 times the limits specified for such materials in Appendix B, Table II; or

(3) A loss of one working week or more of the operation of any facilities affected; or

(4) Damage to property in excess of \$100,000.

(b) *Twenty-four hour notification.* Each licensee shall within 24 hours notify the Manager of the appropriate Atomic Energy Commission Operations Office listed in Appendix D by telephone and telegraph of any incident involving licensed material possessed by him and which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 5 rems or more of radiation; exposure of the skin of the whole body of any individual to 30 rems or more of radiation; or exposure of the feet, ankles, hands, or forearms to 75 rems or more of radiation; or

(2) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 500 times the limits specified for such materials in Appendix B, Table II; or

(3) A loss of one day or more of the operation of any facilities affected; or

(4) Damage to property in excess of \$1,000.

§ 20.404 Report to former employees of exposure to radiation.

At the request of a former employee each licensee shall furnish to the former employee a report of the former employee's exposure to radiation as shown in records maintained by the licensee pursuant to § 20.401(a). Such report shall be furnished within 30 days from the time the request is made; shall cover each calendar quarter of the individual's employment involving exposure to radi-

ation, or such lesser period as may be requested by the employee. The report shall also include the results of any calculations and analyses of radioactive material deposited in the body of the employee and made pursuant to the provisions of § 20.108. The report shall be in writing and contain the following statement:

This report is furnished to you under the provisions of the Atomic Energy Commission regulations entitled "Standards for Protection Against Radiation" (10 CFR Part 20). You should preserve this report for future reference.

(b) The former employee's request should include appropriate identifying data, such as social security number and dates and locations of employment.

§ 20.405 Reports of overexposures and excessive levels and concentrations.

(a) In addition to any notification required by § 20.403, each licensee shall make a report in writing within 30 days to the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., of (1) each exposure of an individual to radiation or concentrations of radioactive material in excess of any applicable limit in this part or in the licensee's license; (2) any incident for which notification is required by § 20.403; and (3) levels of radiation or concentrations of radioactive material (not involving excessive exposure of any individual) in an unrestricted area in excess of ten times any applicable limit set forth in this part or in the licensee's license. Each report required under this paragraph shall describe the extent of exposure of persons to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved; the cause of the exposure, levels or concentrations; and corrective steps taken or planned to assure against a recurrence. The licensee shall transmit a copy of each report to the Manager of the appropriate Atomic Energy Commission Operations Office listed in Appendix D.

(b) In any case where a licensee is required pursuant to the provisions of this section to report to the Commission any exposure of an individual to radiation or to concentrations of radioactive material, the licensee shall also notify such individual of the nature and extent of exposure. Such notice shall be in writing and shall contain the following statement:

This report is furnished to you under the provisions of the Atomic Energy Commission regulations entitled "Standards for Protection Against Radiation" (10 CFR Part 20). You should preserve this report for future reference.

§ 20.406 Notice to employees of exposure to radiation.

At the request of any employee, each licensee shall advise such employee annually of the employee's exposure to radiation as shown in records maintained by the licensee pursuant to § 20.401(a).

EXCEPTIONS AND ADDITIONAL REQUIREMENTS

§ 20.501 Applications for exemptions.

The Commission may, upon application by any licensee or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not result in undue hazard to life or property.

§ 20.502 Additional requirements.

The Commission may, by rule, regulation, or order, impose upon any licensee such requirements, in addition to those established in the regulations in this

part, as it deems appropriate or necessary to protect health or to minimize danger to life or property.

ENFORCEMENT

§ 20.601 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both, as provided by law.

APPENDIX A [Reserved]

APPENDIX B

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND

[See notes at end of appendix]

Element (atomic number)	Isotope ¹	Table I		Table II	
		Column 1 Air ($\mu\text{C}/\text{ml}$)	Column 2 Water ($\mu\text{C}/\text{ml}$)	Column 1 Air ($\mu\text{C}/\text{ml}$)	Column 2 Water ($\mu\text{C}/\text{ml}$)
Actinium (89)-----	Ac 227	S	2×10^{-12}	6×10^{-8}	8×10^{-14}
	Ac 228	I	3×10^{-11}	9×10^{-3}	9×10^{-13}
Americium (95)-----	Am 241	S	8×10^{-8}	3×10^{-3}	3×10^{-9}
	Am 243	I	2×10^{-8}	3×10^{-3}	6×10^{-10}
Antimony (51)-----	Sb 122	S	6×10^{-12}	1×10^{-4}	2×10^{-13}
	Sb 124	I	1×10^{-10}	8×10^{-4}	4×10^{-12}
Argon (18)-----	Ar 37	S	6×10^{-12}	1×10^{-4}	2×10^{-13}
	Ar 41	I	1×10^{-10}	8×10^{-4}	4×10^{-12}
Arsenic (33)-----	As 73	S	2×10^{-7}	8×10^{-4}	6×10^{-9}
	As 74	I	4×10^{-7}	1×10^{-3}	3×10^{-9}
Astatine (85)-----	At 211	S	1×10^{-7}	2×10^{-3}	1×10^{-9}
	At 213	I	1×10^{-7}	2×10^{-3}	1×10^{-9}
Barium (56)-----	Ba 131	S	1×10^{-7}	6×10^{-4}	4×10^{-9}
	Ba 140	I	1×10^{-7}	6×10^{-4}	3×10^{-9}
Berkelium (97)-----	Bk 249	S	4×10^{-7}	2×10^{-3}	2×10^{-9}
	Bk 251	I	9×10^{-10}	2×10^{-2}	3×10^{-11}
Beryllium (4)-----	Be 7	S	1×10^{-7}	2×10^{-2}	4×10^{-9}
	Be 10	I	6×10^{-6}	5×10^{-2}	2×10^{-7}
Bismuth (83)-----	Bi 206	S	1×10^{-6}	5×10^{-2}	4×10^{-8}
	Bi 207	I	2×10^{-7}	1×10^{-3}	6×10^{-9}
Bromine (35)-----	Br 82	S	1×10^{-7}	1×10^{-3}	5×10^{-9}
	Br 84	I	1×10^{-7}	1×10^{-3}	6×10^{-9}
Cadmium (48)-----	Cd 109	S	6×10^{-9}	1×10^{-3}	5×10^{-10}
	Cd 115m	I	6×10^{-9}	1×10^{-3}	2×10^{-10}
Calcium (20)-----	Ca 45	S	7×10^{-8}	5×10^{-3}	4×10^{-9}
	Ca 47	I	4×10^{-8}	7×10^{-4}	1×10^{-9}
Californium (98)-----	Cf 249	S	2×10^{-7}	1×10^{-3}	8×10^{-9}
	Cf 250	I	2×10^{-7}	1×10^{-3}	6×10^{-9}
Carbon (6)-----	C 14	S	2×10^{-12}	1×10^{-4}	5×10^{-14}
	C 14	I	1×10^{-10}	7×10^{-4}	3×10^{-12}
Cerium (58)-----	Ce 141	S	5×10^{-12}	4×10^{-4}	2×10^{-13}
	Ce 143	I	1×10^{-10}	7×10^{-4}	3×10^{-12}
Cesium (55)-----	Cs 137	S	2×10^{-11}	7×10^{-4}	7×10^{-13}
	Cs 134	I	1×10^{-10}	7×10^{-4}	4×10^{-12}
Chlorine (17)-----	Cl 36	S	4×10^{-8}	2×10^{-2}	1×10^{-9}
	Cl 38	I	5×10^{-8}	3×10^{-2}	1×10^{-9}
Cobalt (27)-----	Co 60	S	4×10^{-7}	3×10^{-3}	2×10^{-8}
	Co 60	I	2×10^{-7}	3×10^{-3}	5×10^{-9}
Copper (29)-----	Cu 64	S	3×10^{-7}	1×10^{-3}	9×10^{-9}
	Cu 66	I	2×10^{-7}	1×10^{-3}	7×10^{-9}
Curium (96)-----	Cm 246	S	1×10^{-8}	3×10^{-4}	3×10^{-10}
	Cm 247	I	6×10^{-9}	3×10^{-4}	2×10^{-10}

See footnotes at end of table.

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of appendix]

Element (atomic number)	Isotope ¹	Table I		Table II	
		Column 1 Air ($\mu\text{c}/\text{ml}$)	Column 2 Water ($\mu\text{c}/\text{ml}$)	Column 1 Air ($\mu\text{c}/\text{ml}$)	Column 2 Water ($\mu\text{c}/\text{ml}$)
Gold (79)-----	Au 199	1×10^{-4}	5×10^{-3}	4×10^{-3}	2×10^{-1}
Hafnium (72)-----	Hf 181	8×10^{-3}	4×10^{-3}	3×10^{-3}	2×10^{-1}
Holmium (67)-----	Ho 166	4×10^{-3}	2×10^{-3}	1×10^{-3}	7×10^{-1}
Hydrogen (1)-----	H 3	2×10^{-7}	9×10^{-4}	7×10^{-3}	3×10^{-1}
Indium (49)-----	In 113m	2×10^{-3}	1×10^{-1}	2×10^{-1}	3×10^{-3}
	In 114m	8×10^{-6}	4×10^{-2}	3×10^{-1}	1×10^{-3}
	In 115m	7×10^{-7}	7×10^{-3}	4×10^{-1}	2×10^{-4}
	In 115	5×10^{-6}	5×10^{-4}	4×10^{-1}	2×10^{-4}
	In 115	2×10^{-6}	1×10^{-3}	8×10^{-10}	4×10^{-4}
	In 115	2×10^{-6}	3×10^{-3}	6×10^{-4}	9×10^{-4}
	In 126	3×10^{-8}	3×10^{-3}	1×10^{-3}	9×10^{-4}
	I 129	3×10^{-7}	3×10^{-3}	1×10^{-3}	2×10^{-4}
	I 131	7×10^{-8}	6×10^{-3}	2×10^{-3}	2×10^{-4}
	I 132	3×10^{-7}	2×10^{-3}	1×10^{-3}	6×10^{-3}
	I 133	9×10^{-7}	2×10^{-3}	8×10^{-3}	2×10^{-4}
	I 134	5×10^{-7}	2×10^{-3}	7×10^{-3}	4×10^{-3}
	I 135	1×10^{-7}	4×10^{-3}	1×10^{-7}	6×10^{-4}
	Ir 190	1×10^{-7}	2×10^{-3}	4×10^{-3}	2×10^{-4}
	Ir 192	1×10^{-7}	2×10^{-3}	1×10^{-3}	2×10^{-4}
	Ir 194	2×10^{-7}	1×10^{-3}	8×10^{-10}	4×10^{-3}
	Fe 55	2×10^{-7}	1×10^{-3}	2×10^{-7}	3×10^{-3}
	Fe 59	9×10^{-7}	2×10^{-3}	8×10^{-3}	5×10^{-3}
	Krypton (36)-----	1×10^{-4}	2×10^{-3}	3×10^{-3}	2×10^{-3}
	Kr 85m	6×10^{-4}	2×10^{-3}	8×10^{-7}	5×10^{-3}
	Kr 85	1×10^{-4}	2×10^{-3}	2×10^{-7}	2×10^{-3}
	Kr 87	1×10^{-4}	2×10^{-3}	2×10^{-7}	2×10^{-3}
	Lanthanum (57)-----	5×10^{-4}	2×10^{-3}	2×10^{-7}	2×10^{-3}
	La 140	3×10^{-4}	2×10^{-3}	2×10^{-7}	2×10^{-3}
	Pb 203	2×10^{-4}	2×10^{-3}	2×10^{-7}	2×10^{-3}
	Pb 210	1×10^{-10}	4×10^{-12}	4×10^{-12}	1×10^{-7}
	Pb 212	2×10^{-8}	6×10^{-10}	6×10^{-10}	2×10^{-3}
	Pb 212	2×10^{-8}	6×10^{-10}	6×10^{-10}	2×10^{-3}
	Lu 177	6×10^{-7}	3×10^{-3}	2×10^{-3}	1×10^{-4}
	Mn 52	5×10^{-7}	1×10^{-3}	3×10^{-3}	3×10^{-3}
	Mn 54	2×10^{-7}	9×10^{-3}	5×10^{-3}	3×10^{-3}
	Mn 56	4×10^{-7}	4×10^{-3}	1×10^{-3}	1×10^{-4}
	Hg 197m	8×10^{-7}	3×10^{-3}	3×10^{-3}	1×10^{-4}
	Hg 197	7×10^{-7}	6×10^{-3}	3×10^{-3}	2×10^{-4}
	Hg 203	1×10^{-6}	9×10^{-3}	3×10^{-3}	2×10^{-4}
	Mo 90	7×10^{-7}	1×10^{-3}	2×10^{-3}	2×10^{-4}
	Molybdenum (42)-----	2×10^{-7}	1×10^{-3}	7×10^{-7}	2×10^{-3}
	Neodymium (60)-----	3×10^{-10}	2×10^{-3}	1×10^{-11}	8×10^{-3}

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of appendix]

Element (atomic number)	Isotope ¹	Table I		Table II	
		Column 1 Air ($\mu\text{c}/\text{ml}$)	Column 2 Water ($\mu\text{c}/\text{ml}$)	Column 1 Air ($\mu\text{c}/\text{ml}$)	Column 2 Water ($\mu\text{c}/\text{ml}$)
Cesium (55)-----	Cs 131	1×10^{-4}	7×10^{-3}	4×10^{-7}	2×10^{-3}
	Cs 134m	3×10^{-4}	3×10^{-3}	1×10^{-7}	9×10^{-4}
	Cs 134	4×10^{-4}	2×10^{-3}	1×10^{-4}	6×10^{-3}
	Cs 135	1×10^{-3}	3×10^{-3}	2×10^{-7}	1×10^{-3}
	Cs 136	5×10^{-7}	4×10^{-3}	1×10^{-10}	4×10^{-3}
	Cs 137	9×10^{-8}	2×10^{-3}	2×10^{-10}	1×10^{-3}
	Cl 36	4×10^{-7}	2×10^{-3}	1×10^{-8}	2×10^{-3}
	Cl 38	2×10^{-7}	2×10^{-3}	6×10^{-8}	6×10^{-3}
	Cr 51	1×10^{-4}	1×10^{-3}	8×10^{-4}	4×10^{-3}
	Co 57	2×10^{-7}	5×10^{-3}	1×10^{-7}	4×10^{-3}
	Co 58m	2×10^{-7}	8×10^{-3}	6×10^{-7}	2×10^{-3}
	Co 58	8×10^{-7}	2×10^{-3}	3×10^{-7}	3×10^{-3}
	Co 60	3×10^{-7}	3×10^{-3}	3×10^{-7}	1×10^{-3}
	Cu 64	2×10^{-7}	1×10^{-3}	7×10^{-8}	3×10^{-3}
	Cu 64	1×10^{-6}	6×10^{-3}	4×10^{-8}	2×10^{-3}
	Cu 242	2×10^{-10}	7×10^{-3}	6×10^{-12}	3×10^{-3}
	Cu 243	6×10^{-12}	1×10^{-3}	3×10^{-12}	5×10^{-3}
	Cu 244a	1×10^{-10}	2×10^{-3}	3×10^{-12}	7×10^{-3}
	Cu 245	1×10^{-10}	8×10^{-3}	2×10^{-12}	3×10^{-3}
	Cu 246	5×10^{-12}	1×10^{-3}	4×10^{-12}	3×10^{-3}
	Dy 165	1×10^{-10}	8×10^{-3}	2×10^{-12}	3×10^{-3}
	Dy 166	3×10^{-10}	1×10^{-3}	9×10^{-12}	3×10^{-3}
	Er 169	2×10^{-7}	1×10^{-3}	8×10^{-8}	4×10^{-3}
	Er 171	2×10^{-7}	1×10^{-3}	7×10^{-8}	4×10^{-3}
	Eu 152	6×10^{-7}	3×10^{-3}	2×10^{-8}	9×10^{-3}
	Eu 152	4×10^{-7}	2×10^{-3}	1×10^{-8}	4×10^{-3}
	Eu 154	2×10^{-7}	2×10^{-3}	1×10^{-8}	4×10^{-3}
	Eu 155	7×10^{-7}	6×10^{-3}	2×10^{-8}	2×10^{-3}
	F 18	5×10^{-10}	1×10^{-3}	2×10^{-10}	5×10^{-3}
	Gd 153	6×10^{-7}	6×10^{-3}	8×10^{-8}	2×10^{-3}
	Gd 159	5×10^{-7}	2×10^{-3}	2×10^{-8}	8×10^{-3}
	Ga 72	4×10^{-7}	1×10^{-3}	8×10^{-8}	4×10^{-3}
	Ge 71	1×10^{-7}	5×10^{-3}	6×10^{-7}	2×10^{-3}
	Germanium (32)-----	6×10^{-8}	2×10^{-3}	2×10^{-7}	2×10^{-3}
	Au 196	1×10^{-8}	4×10^{-3}	4×10^{-8}	2×10^{-3}
	Au 198	3×10^{-7}	2×10^{-3}	1×10^{-8}	5×10^{-3}

See footnotes at end of table.

[See notes at end of appendix]

[See notes at end of appendix]

Element (atomic number)	Table I			Isotope ¹	Table II		
	Table I		Isotope ¹		Table II		
	Column 1 Air ($\mu\text{c}/\text{ml}$)	Column 2 Water ($\mu\text{c}/\text{ml}$)			Column 1 Air ($\mu\text{c}/\text{ml}$)	Column 2 Water ($\mu\text{c}/\text{ml}$)	
Neodymium (60)-----	4×10^{-7}	2×10^{-3}	S	Pa 233	Protoactinium (91)-----	6×10^{-7}	4×10^{-3}
Nd 149	2×10^{-7}	2×10^{-3}	S	Ra 223	Radium (88)-----	2×10^{-7}	2×10^{-3}
Np 237	1×10^{-4}	8×10^{-3}	S	Ra 224		2×10^{-7}	2×10^{-3}
Np 239	4×10^{-12}	9×10^{-4}	S	Ra 226		5×10^{-8}	7×10^{-5}
Ni 59	8×10^{-7}	4×10^{-3}	S	Ra 228		2×10^{-10}	2×10^{-4}
Ni 63	5×10^{-7}	6×10^{-3}	S	Ra 228		3×10^{-11}	4×10^{-4}
Ni 65	3×10^{-7}	8×10^{-4}	S	Rn 220	Radon (86)-----	7×10^{-11}	8×10^{-7}
Nb 93m	9×10^{-7}	2×10^{-3}	S	Rn 222		3×10^{-7}	7×10^{-4}
Nb 95	3×10^{-7}	3×10^{-3}	S	Rn 222		1×10^{-7}	
Nb 97	1×10^{-7}	1×10^{-3}	S	Ra 183	Rhenium (75)-----	3×10^{-8}	2×10^{-2}
Os 185	5×10^{-7}	1×10^{-3}	S	Ra 186		6×10^{-7}	3×10^{-3}
Os 191m	1×10^{-7}	3×10^{-3}	S	Ra 187		2×10^{-7}	1×10^{-3}
Os 191	6×10^{-4}	3×10^{-3}	S	Ra 187		9×10^{-8}	7×10^{-5}
Os 193	5×10^{-4}	3×10^{-3}	S	Ra 188		5×10^{-7}	4×10^{-2}
Pd 103	2×10^{-7}	2×10^{-3}	S	Rh 103m	Rhodium (45)-----	2×10^{-7}	9×10^{-4}
Pd 109	7×10^{-4}	7×10^{-3}	S	Rh 105		3×10^{-8}	4×10^{-1}
P 32	4×10^{-7}	2×10^{-3}	S	Rb 86	Rubidium (37)-----	6×10^{-8}	3×10^{-3}
Pt 191	3×10^{-7}	1×10^{-3}	S	Rb 86		5×10^{-7}	3×10^{-3}
Pt 193m	8×10^{-7}	5×10^{-4}	S	Rb 87		3×10^{-7}	2×10^{-3}
Pt 197m	6×10^{-7}	3×10^{-3}	S	Ru 97	Ruthenium (44)-----	7×10^{-8}	1×10^{-3}
Pt 197	4×10^{-7}	2×10^{-4}	S	Ru 97		2×10^{-7}	1×10^{-3}
Pu 238	7×10^{-4}	7×10^{-4}	S	Ru 103		6×10^{-8}	1×10^{-3}
Pu 239	8×10^{-7}	2×10^{-3}	S	Ru 105		5×10^{-7}	2×10^{-3}
Pu 240	3×10^{-11}	1×10^{-4}	S	Ru 105		8×10^{-8}	3×10^{-3}
Pu 241	2×10^{-11}	1×10^{-4}	S	Ru 106		5×10^{-7}	4×10^{-4}
Pu 242	4×10^{-11}	1×10^{-4}	S	Sm 147	Samarium (62)-----	6×10^{-8}	4×10^{-4}
Po 210	8×10^{-7}	3×10^{-3}	S	Sm 147		7×10^{-11}	2×10^{-12}
Potassium (19)-----	6×10^{-4}	1×10^{-3}	S	Sm 151		6×10^{-8}	1×10^{-3}
Praseodymium (59)-----	3×10^{-7}	3×10^{-3}	S	Sm 153		2×10^{-7}	2×10^{-4}
Pm 147	2×10^{-7}	1×10^{-3}	S	Sc 46	Scandium (21)-----	1×10^{-7}	1×10^{-3}
Pm 149	6×10^{-8}	8×10^{-4}	S	Sc 47		2×10^{-7}	3×10^{-3}
Pa 230	1×10^{-7}	1×10^{-3}	S	Sc 48		5×10^{-7}	8×10^{-4}
Pa 231	2×10^{-10}	7×10^{-3}	S	Se 75	Selenium (34)-----	1×10^{-7}	8×10^{-3}
	1×10^{-10}	8×10^{-4}	S	Si 31	Silicon (14)-----	1×10^{-7}	4×10^{-4}
			S	Ag 105	Silver (47)-----	6×10^{-8}	8×10^{-3}
			S	Ag 110m		1×10^{-6}	6×10^{-3}
			S	Ag 111		2×10^{-7}	3×10^{-3}
			S	Na 22	Sodium (11)-----	1×10^{-6}	2×10^{-4}
			S	Na 24		9×10^{-9}	9×10^{-4}
			S	Sr 85m		2×10^{-7}	1×10^{-3}
			S	Sr 85		1×10^{-6}	1×10^{-3}
			S	Sr 89		4×10^{-8}	3×10^{-4}
			S			3×10^{-8}	8×10^{-4}
			S			1×10^{-8}	1×10^{-4}
			S			2×10^{-7}	5×10^{-3}
			S			1×10^{-7}	2×10^{-4}
			S			3×10^{-8}	3×10^{-4}
			S			4×10^{-8}	1×10^{-4}
			S			3×10^{-8}	3×10^{-4}
			S			1×10^{-8}	1×10^{-4}
			S			2×10^{-8}	2×10^{-4}
			S			3×10^{-8}	3×10^{-4}
			S			4×10^{-8}	4×10^{-4}
			S			5×10^{-8}	5×10^{-4}
			S			6×10^{-8}	6×10^{-4}
			S			7×10^{-8}	7×10^{-4}
			S			8×10^{-8}	8×10^{-4}
			S			9×10^{-8}	9×10^{-4}
			S			1×10^{-7}	1×10^{-3}
			S			2×10^{-7}	2×10^{-3}
			S			3×10^{-7}	3×10^{-3}
			S			4×10^{-7}	4×10^{-3}
			S			5×10^{-7}	5×10^{-3}
			S			6×10^{-7}	6×10^{-3}
			S			7×10^{-7}	7×10^{-3}
			S			8×10^{-7}	8×10^{-3}
			S			9×10^{-7}	9×10^{-3}
			S			1×10^{-6}	1×10^{-2}
			S			2×10^{-6}	2×10^{-2}
			S			3×10^{-6}	3×10^{-2}
			S			4×10^{-6}	4×10^{-2}
			S			5×10^{-6}	5×10^{-2}
			S			6×10^{-6}	6×10^{-2}
			S			7×10^{-6}	7×10^{-2}
			S			8×10^{-6}	8×10^{-2}
			S			9×10^{-6}	9×10^{-2}
			S			1×10^{-5}	1×10^{-1}
			S			2×10^{-5}	2×10^{-1}
			S			3×10^{-5}	3×10^{-1}
			S			4×10^{-5}	4×10^{-1}
			S			5×10^{-5}	5×10^{-1}
			S			6×10^{-5}	6×10^{-1}
			S			7×10^{-5}	7×10^{-1}
			S			8×10^{-5}	8×10^{-1}
			S			9×10^{-5}	9×10^{-1}
			S			1×10^{-4}	1×10^{-1}
			S			2×10^{-4}	2×10^{-1}
			S			3×10^{-4}	3×10^{-1}
			S			4×10^{-4}	4×10^{-1}
			S			5×10^{-4}	5×10^{-1}
			S			6×10^{-4}	6×10^{-1}
			S			7×10^{-4}	7×10^{-1}
			S			8×10^{-4}	8×10^{-1}
			S			9×10^{-4}	9×10^{-1}
			S			1×10^{-3}	1×10^{-1}
			S			2×10^{-3}	2×10^{-1}
			S			3×10^{-3}	3×10^{-1}
			S			4×10^{-3}	4×10^{-1}
			S			5×10^{-3}	5×10^{-1}
			S			6×10^{-3}	6×10^{-1}
			S			7×10^{-3}	7×10^{-1}
			S			8×10^{-3}	8×10^{-1}
			S			9×10^{-3}	9×10^{-1}
			S			1×10^{-2}	1×10^{-1}
			S			2×10^{-2}	2×10^{-1}
			S			3×10^{-2}	3×10^{-1}
			S			4×10^{-2}	4×10^{-1}
			S			5×10^{-2}	5×10^{-1}
			S			6×10^{-2}	6×10^{-1}
			S			7×10^{-2}	7×10^{-1}
			S			8×10^{-2}	8×10^{-1}
			S			9×10^{-2}	9×10^{-1}
			S			1×10^{-1}	1×10^{-1}
			S			2×10^{-1}	2×10^{-1}
			S			3×10^{-1}	3×10^{-1}
			S			4×10^{-1}	4×10^{-1}
			S			5×10^{-1}	5×10^{-1}
			S			6×10^{-1}	6×10^{-1}
			S			7×10^{-1}	7×10^{-1}
			S			8×10^{-1}	8×10^{-1}
			S			9×10^{-1}	9×10^{-1}
			S			1×10^0	1×10^0
			S			2×10^0	2×10^0
			S			3×10^0	3×10^0
			S			4×10^0	4×10^0
			S			5×10^0	5×10^0
			S			6×10^0	6×10^0
			S			7×10^0	7×10^0
			S			8×10^0	8×10^0
			S			9×10^0	9×10^0
			S			1×10^1	1×10^1
			S			2×10^1	2×10^1
			S			3×10^1	3×10^1
			S			4×10^1	4×10^1
			S			5×10^1	5×10^1
			S			6×10^1	6×10^1
			S			7×10^1	7×10^1
			S			8×10^1	8×10^1
			S			9×10^1	9×10^1
			S			1×10^2	1×10^2
			S			2×10^2	2×10^2
			S			3×10^2	3×10^2
			S			4×10^2	4×10^2
			S			5×10^2	5×10^2
			S			6×10^2	6×10^2
			S			7×10^2	7×10^2
			S			8×10^2	8×10^2
			S			9×10^2	9×10^2
			S			1×10^3	1×10^3
			S			2×10^3	2×10^3
			S			3×10^3	3×10^3
			S			4×10^3	4×10^3
			S			5×10^3	5×10^3
			S			6×10^3	6×10^3
			S			7×10^3	7×10^3
			S			8×10^3	8×10^3
			S			9×10^3	9×10^3
			S			1×10^4	1×10^4
			S			2×10^4	2×10^4
			S			3×10^4	3×10^4
			S			4×10^4	4×10^4
			S			5×10^4	5×10^4
			S			6×10^4	6×10^4
			S			7×10^4	7×10^4
			S			8×10^4	8×10^4
			S			9×10^4	9×10^4
			S			1×10^5	1×10^5
			S			2×10^5	2×10^5
			S			3×10^5	3×10^5
			S			4×10^5	4×10^5
			S				

See footnotes at end of table.

[See notes at end of appendix]

Element (atomic number)	Isotope ¹	Table I		Table II	
		Column 1 Air ($\mu\text{Ci/ml}$)	Column 2 Water ($\mu\text{Ci/ml}$)	Column 1 Air ($\mu\text{Ci/ml}$)	Column 2 Water ($\mu\text{Ci/ml}$)
Tungsten (74)-----	W 187	4X10 ⁻⁷	2X10 ⁻³	2X10 ⁻⁸	7X10 ⁻⁴
Uranium (92)-----	U 230	3X10 ⁻¹⁰	5X10 ⁻⁴	1X10 ⁻¹¹	6X10 ⁻⁴
	U 232	1X10 ⁻¹⁰	1X10 ⁻⁴	1X10 ⁻¹¹	5X10 ⁻⁴
	U 233	1X10 ⁻¹¹	8X10 ⁻⁴	3X10 ⁻¹²	5X10 ⁻⁴
	U 234	5X10 ⁻¹⁰	9X10 ⁻⁴	2X10 ⁻¹¹	3X10 ⁻⁴
	U 235	6X10 ⁻¹⁰	9X10 ⁻⁴	2X10 ⁻¹¹	3X10 ⁻⁴
	U 236	1X10 ⁻¹⁰	8X10 ⁻⁴	2X10 ⁻¹¹	3X10 ⁻⁴
	U 238	7X10 ⁻¹¹	1X10 ⁻³	3X10 ⁻¹²	4X10 ⁻³
U-natural		1X10 ⁻¹⁰	8X10 ⁻⁴	5X10 ⁻¹²	2X10 ⁻³
Vanadium (23)-----	V 48	6X10 ⁻¹¹	8X10 ⁻⁴	6X10 ⁻¹²	2X10 ⁻³
Xenon (54)-----	Xe 131m	2X10 ⁻⁸	8X10 ⁻⁴	4X10 ⁻⁷	3X10 ⁻³
	Xe 133	1X10 ⁻⁸	1X10 ⁻³	1X10 ⁻⁷	1X10 ⁻⁴
	Xe 135	4X10 ⁻⁸	3X10 ⁻³	2X10 ⁻⁸	2X10 ⁻³
	Yb 175	7X10 ⁻⁷	6X10 ⁻⁴	2X10 ⁻⁸	2X10 ⁻³
Ytterbium (70)-----	Y 90	1X10 ⁻⁷	6X10 ⁻⁴	4X10 ⁻⁹	2X10 ⁻³
	Y 91m	1X10 ⁻⁷	6X10 ⁻⁴	4X10 ⁻⁹	2X10 ⁻³
	Y 91	2X10 ⁻⁸	1X10 ⁻⁴	8X10 ⁻⁷	3X10 ⁻³
	Y 92	4X10 ⁻⁸	1X10 ⁻⁴	1X10 ⁻⁷	3X10 ⁻³
	Y 93	2X10 ⁻⁸	2X10 ⁻³	1X10 ⁻⁸	6X10 ⁻⁴
Zinc (30)-----	Zn 65	2X10 ⁻⁷	8X10 ⁻⁴	1X10 ⁻⁸	3X10 ⁻³
	Zn 66m	1X10 ⁻⁷	8X10 ⁻⁴	5X10 ⁻⁹	1X10 ⁻⁴
	Zn 69	6X10 ⁻⁸	5X10 ⁻³	2X10 ⁻⁸	2X10 ⁻³
	Zr 93	3X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸	7X10 ⁻⁴
	Zr 95	7X10 ⁻⁸	5X10 ⁻³	1X10 ⁻⁸	6X10 ⁻³
	Zr 97	9X10 ⁻⁸	5X10 ⁻³	3X10 ⁻⁷	2X10 ⁻³
Zirconium (40)-----		1X10 ⁻⁷	2X10 ⁻³	4X10 ⁻⁸	8X10 ⁻⁴
		3X10 ⁻⁷	2X10 ⁻³	1X10 ⁻⁸	6X10 ⁻⁴
		9X10 ⁻⁸	5X10 ⁻⁴	3X10 ⁻⁸	2X10 ⁻⁴

¹ Soluble (S); Insoluble (I).² "Sub" means that values given are for submersion in an infinite cloud of gaseous material.

Note: In any case where there is a mixture in air or water of more than one radionuclide, the limiting values for purposes of this Appendix should be determined as follows:

1. If the identity and concentration of each radionuclide in the mixture are known, the limiting values should be derived as follows: Determine, for each radionuclide in the mixture, the ratio between the quantity present in the mixture and the limit otherwise established in Appendix I for the specific radionuclide when not in a mixture. The sum of such ratios for all the radionuclides in the mixture may not exceed 1¹ (i.e., "unity").EXAMPLE: If radionuclides A, B, and C are present in concentrations C_A, C_B, and C_C, and if the applicableMPC's, are MPC_A, and MPC_B, and MPC_C respectively, then the concentrations shall be limited so that the following relationship exists:

$$\frac{C_A}{MPC_A} + \frac{C_B}{MPC_B} + \frac{C_C}{MPC_C} \leq 1$$

2. If either the identity or the concentration of any radionuclide in the mixture is not known, the limiting values for purposes of Appendix B shall be:

a. For purposes of Table I, Col. 1-1X10⁻¹²b. For purposes of Table I, Col. 2-3X10⁻⁷c. For purposes of Table II, Col. 1-4X10⁻¹⁴d. For purposes of Table II, Col. 2-1X10⁻⁸

3. If the conditions specified below are met, the corresponding values specified below may be used in lieu of those specified in paragraph 2 above,

[See notes at end of appendix]

Element (atomic number)	Isotope ¹	Table I		Table II	
		Column 1 Air ($\mu\text{Ci/ml}$)	Column 2 Water ($\mu\text{Ci/ml}$)	Column 1 Air ($\mu\text{Ci/ml}$)	Column 2 Water ($\mu\text{Ci/ml}$)
Strontium (38)-----	Sr 90	3×10^{-10}	4×10^{-6}	1×10^{-11}	1×10^{-7}
	Sr 91	5×10^{-9}	1×10^{-3}	2×10^{-10}	4×10^{-3}
	Sr 92	4×10^{-7}	2×10^{-3}	2×10^{-8}	7×10^{-3}
	Sr 94	3×10^{-7}	2×10^{-3}	9×10^{-8}	5×10^{-3}
Sulfur (16)-----	S 35	3×10^{-7}	2×10^{-3}	2×10^{-8}	7×10^{-3}
	S 36	3×10^{-7}	2×10^{-3}	2×10^{-8}	6×10^{-3}
Tantalum (73)-----	Ta 182	3×10^{-7}	8×10^{-3}	9×10^{-8}	3×10^{-3}
	Ta 183	4×10^{-8}	1×10^{-3}	1×10^{-8}	4×10^{-4}
Technetium (43)-----	Tc 96m	2×10^{-10}	4×10^{-4}	7×10^{-10}	4×10^{-4}
	Tc 96	8×10^{-5}	3×10^{-1}	3×10^{-8}	1×10^{-3}
	Tc 96	6×10^{-7}	1×10^{-3}	2×10^{-8}	1×10^{-4}
	Tc 97m	2×10^{-7}	1×10^{-3}	8×10^{-8}	5×10^{-3}
	Tc 97m	2×10^{-6}	1×10^{-3}	8×10^{-8}	4×10^{-4}
	Tc 97	2×10^{-7}	5×10^{-3}	5×10^{-8}	2×10^{-3}
	Tc 97	1×10^{-8}	2×10^{-3}	1×10^{-8}	8×10^{-3}
	Tc 99m	3×10^{-7}	2×10^{-3}	1×10^{-8}	2×10^{-3}
	Tc 99m	4×10^{-8}	2×10^{-3}	1×10^{-8}	6×10^{-3}
	Tc 99	1×10^{-8}	8×10^{-3}	5×10^{-7}	3×10^{-3}
	Tc 99	2×10^{-6}	1×10^{-3}	2×10^{-8}	5×10^{-4}
	Tc 125m	6×10^{-8}	5×10^{-3}	7×10^{-8}	3×10^{-4}
Tellurium (52)-----	Tc 125m	4×10^{-7}	3×10^{-3}	2×10^{-8}	5×10^{-4}
	Tc 127m	1×10^{-7}	2×10^{-3}	4×10^{-8}	1×10^{-4}
	Tc 127m	1×10^{-7}	2×10^{-3}	5×10^{-8}	6×10^{-4}
	Tc 127	4×10^{-8}	2×10^{-3}	1×10^{-8}	3×10^{-4}
	Tc 127	2×10^{-8}	8×10^{-3}	6×10^{-8}	3×10^{-4}
	Tc 127	9×10^{-7}	5×10^{-3}	3×10^{-8}	2×10^{-4}
	Tc 129m	8×10^{-8}	1×10^{-3}	3×10^{-8}	3×10^{-4}
	Tc 129m	3×10^{-8}	6×10^{-4}	2×10^{-8}	2×10^{-4}
	Tc 129	5×10^{-6}	2×10^{-3}	1×10^{-7}	8×10^{-4}
	Tc 129	3×10^{-6}	2×10^{-3}	2×10^{-7}	8×10^{-4}
	Tc 131m	4×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-3}
	Tc 131m	4×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-3}
	Tc 132	2×10^{-7}	1×10^{-3}	6×10^{-8}	4×10^{-3}
	Tc 132	2×10^{-7}	9×10^{-4}	7×10^{-8}	3×10^{-3}
	Tb 160	1×10^{-7}	6×10^{-4}	4×10^{-8}	2×10^{-3}
	Tb 160	1×10^{-7}	1×10^{-3}	3×10^{-8}	4×10^{-3}
Terbium (65)-----	Tl 200	3×10^{-8}	1×10^{-3}	1×10^{-8}	4×10^{-3}
	Tl 200	3×10^{-8}	1×10^{-3}	9×10^{-8}	4×10^{-4}
Thallium (81)-----	Tl 201	1×10^{-8}	7×10^{-3}	4×10^{-8}	2×10^{-4}
	Tl 201	2×10^{-8}	9×10^{-3}	7×10^{-8}	3×10^{-4}
	Tl 202	9×10^{-7}	5×10^{-3}	3×10^{-8}	2×10^{-4}
	Tl 202	8×10^{-7}	4×10^{-3}	3×10^{-8}	1×10^{-4}
	Tl 204	2×10^{-7}	2×10^{-3}	8×10^{-8}	7×10^{-3}
	Tl 204	6×10^{-7}	3×10^{-3}	8×10^{-8}	1×10^{-4}
	Th 228	3×10^{-8}	2×10^{-3}	2×10^{-8}	6×10^{-3}
	Th 228	9×10^{-8}	2×10^{-3}	9×10^{-8}	6×10^{-3}
Thorium (90)-----	Th 230	6×10^{-12}	4×10^{-4}	3×10^{-13}	10^{-3}
	Th 230	2×10^{-12}	5×10^{-4}	8×10^{-14}	2×10^{-3}
	Th 232	3×10^{-11}	6×10^{-9}	3×10^{-13}	4×10^{-3}
	Th 232	3×10^{-11}	10^{-9}	10^{-12}	10^{-3}
	Th natural	3×10^{-11}	3×10^{-7}	10^{-12}	10^{-3}
	Th 234	3×10^{-11}	3×10^{-7}	2×10^{-12}	2×10^{-3}
Thulium (69)-----	Th 234	9×10^{-8}	5×10^{-4}	1×10^{-8}	2×10^{-4}
	Tm 170	4×10^{-8}	1×10^{-3}	1×10^{-8}	5×10^{-4}
	Tm 171	3×10^{-8}	1×10^{-3}	4×10^{-8}	5×10^{-4}
	Tm 171	1×10^{-7}	1×10^{-3}	9×10^{-8}	5×10^{-4}
Tin (50)-----	Sn 113	2×10^{-7}	1×10^{-3}	1×10^{-8}	9×10^{-3}
	Sn 113	4×10^{-7}	2×10^{-3}	1×10^{-8}	8×10^{-3}
	Sn 125	5×10^{-8}	2×10^{-3}	2×10^{-8}	9×10^{-3}
	Sn 125	1×10^{-7}	5×10^{-4}	3×10^{-8}	2×10^{-3}
	W 181	8×10^{-8}	1×10^{-3}	4×10^{-8}	2×10^{-3}
	W 181	2×10^{-6}	1×10^{-3}	8×10^{-8}	4×10^{-4}
Tungsten (Wolfram) (74)-----	W 181	1×10^{-7}	1×10^{-3}	4×10^{-8}	3×10^{-3}
	W 185	1×10^{-7}	4×10^{-3}	3×10^{-8}	1×10^{-4}
	W 185	1×10^{-7}	3×10^{-3}	4×10^{-8}	1×10^{-4}

Element (atomic number) and isotope	Table I		Table II	
	Air ($\mu\text{C}/\text{ml}$)	Water ($\mu\text{C}/\text{ml}$)	Air ($\mu\text{C}/\text{ml}$)	Water ($\mu\text{C}/\text{ml}$)
If it is known that Sr 90, I 129, Pb 210, Po 210, At 211, Ra 223, Ra 224, Ra 226, Ac 227, Ra 228, Th 230, Pa 231, Th 232, and Th-nat are not present.....		9 $\times 10^{-6}$		3 $\times 10^{-6}$
If it is known that Sr 90, I 129, Pb 210, Po 210, Ra 223, Ra 226, Ra 228, Pa 231, and Th-nat are not present.....		6 $\times 10^{-6}$		2 $\times 10^{-6}$
If it is known that Sr 90, Pb 210, Ra 226 and Ra 228 are not present.....		2 $\times 10^{-6}$		6 $\times 10^{-7}$
If it is known that Ra 226 and Ra 228 are not present.....		3 $\times 10^{-6}$		1 $\times 10^{-7}$
If it is known that alpha-emitters and Sr 90, I 129, Pb 210, Ac 227, Ra 228, Pa 230, Pu 241 and Bk 249 are not present.....	3 $\times 10^{-9}$		1 $\times 10^{-10}$	
If it is known that alpha-emitters and Pb 210, Ac 227, Ra 228, and Pu 241 are not present.....	3 $\times 10^{-10}$		1 $\times 10^{-11}$	
If it is known that alpha-emitters and Ac 227 are not present.....	3 $\times 10^{-11}$		1 $\times 10^{-12}$	
If it is known that Ac 227, Th 230, Pa 231, Pu 238, Pu 239, Pu 240, Pu 242, and Cf 249 are not present.....	3 $\times 10^{-12}$		1 $\times 10^{-13}$	
If Pa 231, Pu 239, Pu 240 and Cf 249 are not present.....	2 $\times 10^{-12}$		7 $\times 10^{-14}$	

APPENDIX C

Material	Micro-curries	Material	Micro-curries
Ag ¹⁰⁵	1	Sn ¹¹³	10
Ag ¹¹¹	10	Sr ⁹⁰	1
As ⁷⁶ , As ⁷⁷	10	Sr ⁹⁰ +Y ⁹⁰	0.1
Au ¹⁹⁸	10	Ta ¹⁸²	10
Au ¹⁹⁹	10	Tc ⁹⁹	1
Ba ¹⁴⁰ +La ¹⁴⁰	1	Tc ⁹⁹	1
Be ⁷	50	Tc ¹²⁷	10
C ¹⁴	50	Tc ¹³²	1
Ca ⁴⁵	10	Th (natural)	50
Cd ¹⁰⁹ +Ag ¹⁰⁹	10	Ti ²⁰⁴	50
Ce ¹⁴⁴ +Pr ¹⁴⁴	1	Tritium. See H ³	250
Ci ¹³⁶	1	U (natural)	50
Co ⁶⁰	1	U ²³³	1
Cr ⁵¹	50	U ²³⁴ -U ²³⁵	50
Cs ¹³⁷ +Ba ¹³⁷	1	V ⁴⁸	1
Cu ⁶⁴	50	W ¹⁸⁵	10
Eu ¹⁵⁴	1	Y ⁹⁰	1
Fe ⁵⁵	50	Y ⁹¹	1
Fe ⁵⁹	1	Zn ⁶⁵	10
Ga ⁷²	10	Unidentified radioactive materials or any of the above in unknown mixtures.....	0.1
Ge ⁷¹	50		
H ³ (HTO or H ₂ O)	250		
I ¹³¹	10		
In ¹¹⁴	1		
Ir ¹⁹²	10		
K ⁴²	10		
La ¹⁴⁰	10		
Mn ⁵²	1		
Mn ⁵⁶	50		
Mo ⁹⁹	10		
Na ²²	10		
Na ²⁴	10		
Nb ⁹⁵	10		
Ni ⁵⁹	1		
Ni ⁶³	1		
P ³²	10		
Pd ¹⁰³ +Rh ¹⁰³	50		
Pd ¹⁰⁹	10		
Pm ¹⁴⁷	10		
Po ²¹⁰	0.1		
Pr ¹⁴²	10		
Pu ²³⁹	1		
Ra ²²⁶	0.1		
Rb ⁸⁶	10		
Rb ⁹⁰	10		
Rh ¹⁰⁴	10		
Ru ¹⁰⁶ +Rh ¹⁰⁶	1		
Sa ⁸⁵	50		
Sb ¹²⁴	1		
Se ⁶⁵	1		
Sm ¹⁵³	10		

APPENDIX D

UNITED STATES ATOMIC ENERGY COMMISSION OPERATION OFFICES

Operations office	Operations office address	Telephone
1. New York Operations Office.....	376 Hudson Street, New York 14, N.Y.	Yukon 9-1000.
2. Oak Ridge Operations Office.....	P.O. Box E, Oak Ridge, Tenn.	Oak Ridge 5-7486 or 5-8611, Ext. 7607.
3. Savannah River Operations Office.....	P.O. Box A, Aiken, S.C.	Aiken, S.C., Midway 9-6211; or Augusta, Ga., Park 4-6311, Ext. 3333.
4. Albuquerque Operations Office.....	P.O. Box 5400, Albuquerque, N. Mex.	Alpine 6-4411, Ext. 38267.
5. Chicago Operations Office.....	9800 South Cass Avenue, Argonne, Ill.	Clearwater 7-7711, Ext. 2111 or 541.
6. Idaho Operations Office.....	P.O. Box 2108, Idaho Falls, Idaho.	Jackson 2-6640.
7. San Francisco Operations Office.....	2111 Bancroft Way, Berkeley 4, Calif.	Thornwall 1-5620.
8. Hanford Operations Office.....	P.O. Box 550, Richland, Wash.	Whitehall 2-1111, Ext. 6-5441.

NOTE: The record keeping and reporting requirements contained in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated at Germantown, Md., this 8th day of November 1960.

For the Atomic Energy Commission,

W. B. McCool,
Secretary.

[F.R. Doc. 60-10676; Filed, Nov. 16, 1960; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FHA Instruction 462.1]

PART 371—CHATTEL SECURITY

Authority To Correct Errors in Security Instruments

Section 371.11, Title 6, Code of Federal Regulations (23 F.R. 4310), is revised to authorize County Supervisors to take action to correct errors in security instruments, and to read as follows:

§ 371.11 Correcting errors in security instruments.

When security instruments unintentionally have been taken to secure Farmers Home Administration loans covering chattels or crops which the mortgagor did not own, or in which he had no mortgageable interest, County Supervisors are authorized to correct such errors by releasing the lien on the property, except when it is determined that there was bad faith on the part of the borrower in giving the security instrument. This authority will be exercised through the use of Form FHA-99, or other form approved by the Office of the General Counsel.

(R.S. 161, sec. 41, 50 Stat. 528, as amended, sec. 6, 50 Stat. 870, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 590x-3, 40 U.S.C. 442; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

Dated: November 9, 1960.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 60-10731; Filed, Nov. 16, 1960; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

Determination of County Normal Yield for 1960 Crop

Basis and purpose. The purpose of this document is to establish county

normal yields for the 1960 peanut crop, which yields have been determined by State Committees pursuant to and under the standards specified in § 729.1020(a) of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and subsequent Crops (23 F.R. 8515; 24 F.R. 2677, 6803, 9611; 25 F.R. 897, 8065, 10567). County normal yields are used in some cases under the said regulations (§§ 729.1020(b), 729.1022, 729.1052) to determine the amount of penalty on peanuts marketed from a farm and as the 1960 crop of peanuts is now being marketed it is essential that county normal yields for the 1960 crop be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1001-1011) is impractical and contrary to the public interest and the county normal yields specified below shall become effective upon filing of this document with the Director, Office of the Federal Register.

County normal yields per acre for the 1960 peanut crop are as follows:

ALABAMA

County	Normal yield (pounds)	County	Normal yield (pounds)
Autauga	796	Houston	1,096
Baldwin	810	Jackson	713
Barbour	880	Jefferson	640
Bibb	622	Lamar	566
Blount	738	Lauderdale	645
Bullock	655	Lawrence	650
Butler	733	Lee	671
Calhoun	730	Limestone	600
Chambers	670	Lowndes	529
Cherokee	675	Macon	616
Chilton	675	Madison	577
Choctaw	592	Marengo	507
Clarke	611	Marion	575
Clay	687	Marshall	655
Cleburne	635	Mobile	860
Coffee	1,096	Monroe	881
Colbert	650	Montgomery	631
Conecuh	782	Morgan	663
Coosa	687	Perry	563
Covington	1,015	Pickens	536
Crenshaw	923	Pike	869
Cullman	694	Randolph	643
Dale	1,008	Russell	686
Dallas	579	Saint Clair	665
De Kalb	720	Shelby	650
Elmore	640	Sumter	596
Escambia	957	Talladega	665
Etowah	697	Tallapoosa	704
Fayette	623	Tuscaloosa	534
Franklin	580	Walker	612
Geneva	1,220	Washington	682
Greene	500	Wilcox	701
Hale	540	Winston	650
Henry	1,007		

ARIZONA

Pima	2,007	Yuma	1,340
Pinal	800		

ARKANSAS

Cleburne	343	Howard	371
Craighead	494	Johnson	774
Crawford	664	Lafayette	328
Dallas	509	Little River	364
Faulkner	602	Logan	448
Franklin	599	Nevada	581
Hempstead	545	Stone	506
Hot Spring	578	Yell	630

CALIFORNIA

Fresno	1,209	Madera	600
Imperial	1,081	Riverside	720
Kern	1,158	Tulare	800

FLORIDA

County	Normal yield (pounds)	County	Normal yield (pounds)
Alachua	1,122	Lake	1,050
Baker	804	Leon	501
Bay	881	Levy	974
Bradford	1,007	Madison	584
Calhoun	1,274	Marion	1,112
Columbia	900	Okaloosa	1,083
Dixie	995	Palm Beach	1,894
Escambia	732	Putnam	810
Gadsden	916	Santa Rosa	1,171
Gilchrist	844	Sumter	930
Hamilton	774	Suwannee	1,076
Hendry	1,075	Taylor	447
Hillsborough	701	Union	782
Holmes	951	Wakulla	753
Jackson	987	Walton	994
Jefferson	781	Washington	1,041
Lafayette	778		

GEORGIA

Appling	928	Laurens	817
Atkinson	1,210	Lee	997
Bacon	1,175	Lowndes	853
Baker	1,031	McDuffie	486
Baldwin	318	Macon	794
Ben Hill	1,064	Marion	734
Berrien	1,030	Miller	1,181
Bibb	504	Mitchell	1,142
Bleckley	867	Montgomery	756
Brooks	981	Muscogee	353
Bryan	912	Newton	648
Bulloch	1,036	Peach	890
Burke	598	Pierce	798
Calhoun	1,120	Pulaski	936
Candler	798	Quitman	864
Chattahoochee	481	Randolph	998
Clay	1,005	Richmond	547
Coffee	1,021	Schley	899
Colquitt	1,084	Screven	832
Columbia	382	Seminole	1,185
Cook	1,252	Stewart	744
Crawford	555	Sumter	1,020
Crisp	1,376	Talbot	616
Dade	421	Tattnall	1,123
Decatur	1,080	Taylor	910
Dodge	841	Telfair	922
Dooly	1,012	Terrell	1,088
Dougherty	923	Thomas	852
Early	1,046	Tift	1,181
Effingham	998	Toombs	972
Emanuel	909	Treutlen	364
Evans	997	Turner	1,170
Glacook	494	Twiggs	738
Grady	1,013	Upson	688
Hancock	308	Ware	1,093
Harris	316	Warren	448
Houston	861	Washington	542
Irwin	1,288	Wayne	935
Jeff Davis	1,032	Webster	958
Jefferson	622	Wheeler	926
Jenkins	806	Wilcox	1,073
Johnson	502	Wilkinson	778
Lanier	937	Worth	1,084

LOUISIANA

Beauregard	646	LaSalle	559
Bienville	560	Lincoln	893
Claborn	638	Morehouse	830
Grant	697	Union	527

MISSISSIPPI

Alcorn	366	Lowndes	330
Attala	330	Madison	460
Calhoun	314	Marshall	316
Chickasaw	330	Neshoba	330
Copiah	458	Newton	330
Covington	402	Noxubee	330
George	402	Prentiss	366
Greene	402	Smith	402
Hinds	458	Tippah	366
Holmes	316	Tishomingo	366
Itawamba	366	Union	315
Kemper	330	Webster	316
Lamar	402	Winston	330
Lauderdale	402	Yalobusha	314
Lincoln	458		

MISSOURI

County	Normal yield (pounds)	County	Normal yield (pounds)
Bates	850	Ozark	740
Cole	800		

NEW MEXICO

Curry	1,385	Quay	951
Lea	1,114	Roosevelt	1,626

NORTH CAROLINA

Beaufort	1,358	Martin	1,666
Bertie	1,750	Montgomery	708
Bladen	1,186	Moore	1,630
Brunswick	1,123	Nash	1,595
Camden	1,580	New Hanover	691
Catawba	804	Northampton	1,897
Chowan	1,914	Onslow	1,628
Columbus	1,243	Pamlico	1,015
Craven	967	Pasquotank	1,628
Cumberland	1,345	Pender	1,078
Currituck	1,571	Perquimans	1,733
Davidson	830	Pitt	1,424
Duplin	1,185	Richmond	1,148
Edgecombe	1,576	Robeson	1,287
Franklin	1,062	Rowan	866
Gates	1,920	Sampson	1,131
Greene	1,278	Scotland	1,094
Halifax	1,719	Tyrell	1,494
Hertford	1,970	Wake	1,733
Iredell	657	Warren	774
Johnston	1,468	Washington	1,736
Jones	736	Wayne	1,232
Lenoir	1,049	Wilson	1,179

OKLAHOMA

Atoka	717	Lincoln	1,001
Beckham	1,682	Logan	1,305
Blaine	2,381	Love	591
Bryan	668	McClain	962
Caddo	1,694	McCurtain	724
Canadian	1,146	McIntosh	845
Carter	575	Marshall	752
Choctaw	690	Murray	703
Cleveland	1,101	Muskegee	919
Coal	686	Okfuskee	714
Comanche	1,010	Oklahoma	667
Cotton	723	Okmulgee	718
Creek	652	Osage	883
Custer	1,772	Paynee	800
Dewey	602	Payne	928
Garvin	995	Pittsburg	863
Grady	953	Pontotoc	858
Greer	1,358	Pottawatomie	1,087
Harmon	698	Pushmataha	781
Haskell	725	Seminole	763
Hughes	887	Sequoyah	640
Jackson	859	Stephens	965
Jefferson	698	Tulsa	829
Johnston	786	Wagoner	780
LeFlore	672	Washita	1,866

SOUTH CAROLINA

Alken	513	Hampton	884
Allendale	762	Horry	881
Bamberg	821	Kershaw	922
Barnwell	744	Lee	1,148
Clarendon	1,091	Lexington	571
Colleton	863	Marion	998
Darlington	1,033	Marlboro	760
Dillon	1,271	Orangeburg	567
Dorchester	676	Richland	487
Florence	1,079	Spartanburg	527
Georgetown	360	Sumter	1,179
Greenville	542	Williamsburg	700

TENNESSEE

Benton	969	Henderson	1,117
Bradley	1,202	Hickman	643
Carroll	936	Humphreys	668
Chester	870	Lawrence	598
Decatur	846	Lewis	1,015
Dickson	544	Loudon	816
Fayette	743	Madison	400
Gibson	960	Meigs	170
Hamilton	944	Monroe	644
Hardeman	673	Obion	599
Hardin	600	Perry	818

TENNESSEE—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
Polk	837	Weakley	888
Wayne	986		

TEXAS

Anderson	768	Johnson	651
Atascosa	650	Jones	429
Austin	999	Karnes	456
Bailey	2,004	Kent	477
Bastrop	725	Kimble	520
Baylor	886	Lamar	817
Bee	268	Lapasas	537
Bexar	464	La Salle	639
Bosque	535	Lavaca	695
Bowie	924	Lee	749
Brazos	500	Leon	966
Briscoe	534	Limestone	737
Brown	510	Live Oak	423
Burleson	541	Llano	430
Burnet	628	McCulloch	526
Caldwell	882	McLennan	699
Callahan	426	McMullen	458
Camp	779	Madison	698
Cass	775	Marion	796
Cherokee	787	Mason	630
Clay	361	Medina	564
Coke	432	Menard	416
Coleman	393	Milam	672
Collingsworth	487	Mills	503
Colorado	828	Montague	601
Comanche	660	Montgomery	659
Cooke	435	Morris	781
Coryell	663	Motley	722
Crosby	1,017	Nacogdoches	804
Dallas	410	Palo Pinto	622
Denton	513	Panola	330
DeWitt	586	Parker	616
Dimmit	740	Parmer	2,120
Duval	413	Pecos	898
Eastland	549	Polk	604
Erath	555	Rains	724
Falls	800	Red River	856
Fannin	729	Robertson	745
Fayette	628	Runnels	340
Floyd	1,883	Rusk	765
Fort Bend	815	San Saba	512
Franklin	749	Smith	597
Freestone	741	Somervell	611
Frio	1,059	Stephens	463
Gaines	978	Stonewall	483
Garza	492	Tarrant	463
Gillespie	355	Terry	1,420
Goliad	333	Titus	804
Gonzales	574	Travis	447
Grayson	566	Trinity	527
Grimes	783	Tyler	590
Guadalupe	398	Upshur	595
Hale	1,704	Van Zandt	911
Hall	650	Victoria	516
Hamilton	366	Walker	1,385
Harris	1,062	Waller	1,027
Harrison	838	Washington	591
Henderson	578	Webb	711
Hidalgo	344	Williamson	978
Hill	599	Wilson	509
Hood	642	Wise	651
Hopkins	890	Wood	923
Houston	792	Yoakum	921
Jack	514	Young	456
Jim Hogg	316	Zavala	748
Jim Wells	739		

VIRGINIA

Accomack	1,602	James City	1,967
Brunswick	954	Mecklenburg	601
Charles City	1,952	Nansemond	2,114
Chesterfield	1,025	New Kent	1,895
Dinwiddie	1,426	Norfolk	1,855
Essex	732	Northampton	1,791
Gloucester	600	Prince George	1,667
Greensville	1,472	Southampton	1,970
Hampton	475	Surry	2,169
Hanover	868	Sussex	1,896
Isle of Wight	2,280		

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Done at Washington, D.C., this 10th day of November 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-10730; Filed, Nov. 16, 1960; 8:53 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 120, 121, 123, 125), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, or parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington and Wyoming;

(2) That portion of South Dakota west of the Missouri River; and

(3) All Counties in New Mexico except Bernalillo.

(b) Notice is hereby given also that sheep scabies exists in all other States and Territories, and parts thereof, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication and quarantine areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, or parts thereof, are hereby designated as eradication areas:

(1) That portion of South Dakota east of the Missouri River; and

(2) The following County in New Mexico: Bernalillo

(b) No areas are quarantined under this part at this time.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 120, 121, 123, 125. Inter-

pret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126. 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment adds the Counties of Chaves, Curry, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Los Alamos, Luna, and Otero, in New Mexico, to the free areas and deletes such Counties from the infected areas and eradication areas, as sheep scabies are not known to exist in such Counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from, into, and through infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to these Counties. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep into free areas will apply thereto.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of November 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-10728; Filed, Nov. 16, 1960; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-315]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Temporary Extension of Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of November 1960:

On September 21, 1960, the Board issued a notice of proposed rule making, Docket 11285, EDR-13A, 25 F.R. 9183, in which it proposed to extend the operating authority of air taxi operators for a period of another five years and to make certain modifications in Part 298. Comments from interested persons on this proposal were due on October 24, 1960. On November 2, 1960, the Board issued another notice of proposed rule making, EDR-20, Docket 11886, 25 F.R. 10575, in which it proposed, among other things, to further amend Part 298 so as to make it applicable to air taxi operators in Alaska. Comments from interested per-

sons on this proposal are due November 25, 1960. Under presently effective provisions, the exemptions provided by Part 298 of the Board's Economic Regulations will expire on November 30, 1960.

It is necessary to amend the Board's present regulations which are applicable to Alaskan air taxi operators, effective January 1, 1961, because on that day the State of Alaska will take over the regulation of intrastate transportation by air in Alaska and therefore will take over certain of the regulatory functions heretofore exercised by the Board in respect of air taxi operations in Alaska. Consequently, if the Board finalized the rule-making proceeding initiated by notice of proposed rule making, EDR-13A, at this time, a further amendment to revise Part 298, based upon notice of proposed rule making, EDR-20, would have to be issued soon thereafter. Yet, it is the Board's intention to reissue Part 298, with all amendments incorporated therein, for the convenience of the public. Under these circumstances, it appears best to extend the present exemption authority in Part 298 in its present form for the short period until it can be amended pursuant to both rule-making notices.

Since this extension of the exemptions contained in Part 298 preserves the status quo, does not impose any additional burden on any person and relieves restriction, notice and public procedure thereon are unnecessary and not required by the public interest, and it may be made effective on less than 30 days' notice. The Board finds that the grounds and findings on which the exemption has heretofore been granted support the extension thereof.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298, as amended), effective November 17, 1960, by amending the second proviso of § 298.4 to read as follows:

§ 298.4 Duration of exemption.

* * * And provided further, That unless otherwise ordered by the Board, the temporary exemption granted by § 298.3 shall terminate on January 1, 1961, or upon termination of the rule-making proceedings, Dockets 11285 and 11886, whichever shall first occur.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply Sec. 416, 72 Stat. 771; 49 U.S.C. 1386)

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-10717; Filed, Nov. 16, 1960; 8:51 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 567; Amdt. 224]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild F-27 Series Aircraft

Subsequent to adoption of Amendment 82, 25 F.R. 377, requiring inspections for

cracks in both elevators in the area of the outboard hinge on Fairchild F-27 aircraft, modifications were made to some F-27 elevators. It has been determined that where the modifications were accomplished there is less likelihood of failure. Therefore, to relieve operators of the modified aircraft of the necessity of daily inspections required by the present directive, Amendment 82 is being amended to allow extended inspection periods.

As this amendment provides a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is amended as follows:

Amendment 82, Fairchild F-27 Series aircraft, 25 F.R. 377, is amended by:

1. Inserting footnote symbol 2 at the end of paragraph (d).

2. Adding the following paragraphs (f), (g) and (h):

(f) When the elevators are modified in accordance with Fairchild Drawings 27-220001-91, -101, -111, -131, -141, -151, -181, -191, -231, -241, or equivalent, the following inspections, (f) (1) and (f) (2), apply.

(1) Each 45 hours' time in service conduct the inspection specified in (a). Also, remove the plugs or buttons from the three holes in the bottom skin adjacent to the outboard hinge. Using a borescope, or equivalent, inspect for cracks in the middle spar, cracks in the two ribs adjacent to the hinge at their attachment to the aft side of the middle spar, and cracks in the channel aft of the hinge. Replace the three plugs or buttons.

(2) At each 250 hours' time in service, remove the elevator outboard hinge bracket and conduct the inspections specified in (a) and (f) (1). Removal of elevators is optional for these inspections.²

(g) When the elevators are modified in accordance with Fairchild Drawings 27-220001-251, -261, -271, -281, or equivalent, the above special inspections may be discontinued. However, the following inspection must then be conducted on both elevators at intervals of 65 hours' time in service. Remove the plugs or buttons from the three holes in the bottom skin adjacent to the outboard hinge. Using a borescope, or equivalent, inspect for cracks in the web of the middle spar, cracks in the upper and lower flange radii of the spar, cracks in the ribs adjacent to hinge and cracks in the channel aft of the hinge. Replace all plugs or buttons.

(h) Elevators found to have cracks may not be used until Federal Aviation Agency approved repairs have been made.

3. Adding the following note after paragraph (h):

(Fairchild Service Bulletin No. 27-21 dated August 9, 1960, covers this subject.)

4. Adding the following footnote:

² When removing hinge brackets, if elevators are not removed from the airplane, extreme care should be exercised to prevent damage to the spar by tool use. Several cases of such spar damage have been reported.

This amendment shall become effective November 17, 1960.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 10, 1960.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-10678; Filed, Nov. 16, 1960; 8:45 a.m.]

[Reg. Docket No. 512; Amdt. 225]

PART 507—AIRWORTHINESS DIRECTIVES

Piper PA-24 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the fuel cell vent tubes on Piper PA-24 and PA-24 "250" aircraft was published in 25 F.R. 9181.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to Piper PA-24 and PA-24 "250" aircraft Serial Numbers 24-1 to 24-2161, inclusive.

Compliance required within the next 10 hours of operation or at the next periodic inspection, whichever occurs first, after the effective date of this directive.

To prevent any interruption in fuel flow should the vent tubes become obstructed, the two fuel cell vent tubes which are located under the wings shall be modified in the following manner:

Drill an 0.098-inch diameter hole (#40 drill) in the aft side of each tube three-fourths of an inch from the end.

(Piper Service Bulletin No. 193 covers this subject.)

This amendment shall become effective on December 19, 1960.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 10, 1960.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-10679; Filed, Nov. 16, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-107]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airway, Associated Control Areas and Reporting Points

On July 26, 1960, a notice of proposed rule making was published in the Fed-

ERAL REGISTER (25 F.R. 7078) stating that the Federal Aviation Agency proposed to designate Red Federal airway No. 1 and associated control areas from Port Alexander, Alaska, to Guard Islands, Alaska, via Cape Decision, Alaska; and to designate the Port Alexander Intersection, the Cape Decision radio beacon and the Guard Islands radio beacon as reporting points.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendments. However, the Operations Manager of Alaska Coastal Airlines suggested, in addition to the action proposed in the Notice, that consideration be given to designating Red 1 from the Sitka, Alaska, radio range to the Annette, Alaska, radio range in the interest of simplifying flight planning and air traffic management procedures. The Federal Aviation Agency concurs in this recommendation and Red 1 is herein designated from the Sitka radio range via the Port Alexander intersection; the Cape Decision radio beacon; the Guard Islands radio beacon; to the Annette radio range. This will result in that segment of Red 1 from Sitka to Port Alexander overlying a part of Amber Federal airway No. 1, and the segment of Red 1 from Guard Islands to Annette overlying a part of Blue Federal airway No. 79.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated herein and in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by adding:

§ 600.201 Red Federal airway No. 1 (Sitka, Alaska, to Annette, Alaska).

From the Sitka, Alaska, RR via the INT of the SE course of the Sitka RR and the SW course of the Petersburg, Alaska, RR; Cape Decision, Alaska, RBN; Guard Islands, Alaska, RBN; to the Annette, Alaska, RR.

§ 601.201 Red Federal airway No. 1 control areas (Sitka, Alaska, to Annette, Alaska).

All of Red Federal airway No. 1.

§ 601.4201 Red Federal airway No. 1 (Sitka, Alaska, to Annette, Alaska).

INT of the SE course of the Sitka, Alaska, RR and the SW course of the Petersburg, Alaska, RR; Cape Decision, Alaska, RBN; Guard Islands, Alaska, RBN.

These amendments shall become effective 0001 e.s.t., January 12, 1961.

(Sec. 307(a), 1110, 72 Stat. 749, 800, 49 U.S.C. 1348, 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on November 9, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-10680; Filed, Nov. 16, 1960; 8:45 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6502]

PART 270—CIGARS AND CIGARETTES; MANUFACTURERS, IMPORTERS, AND DEALERS

Determination of the Retail Price of Large Cigars, for Federal tax Purposes

In order to conform to the provisions of section 5701(b) of the Internal Revenue Code of 1954, as amended by Public Law 86-779, the regulations in 26 CFR Part 270 are amended as follows:

1. Section 270.61 is amended by striking in the third sentence the words "exclusive of any State or local taxes imposed on the retail sale of cigars" and inserting in lieu thereof "exclusive of any State or local taxes imposed on cigars as a commodity"; and

2. By changing the citation to read "(72 Stat. 1414, 74 Stat. 998; 26 U.S.C. 5701)".

Because the amendment made by this Treasury decision is liberalizing and conforming in nature it is found that it is impracticable and unnecessary to issue this Treasury decision with notice and public procedure under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

This Treasury decision shall be effective October 9, 1960.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: November 14, 1960.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F.R. Doc. 60-10725; Filed, Nov. 16, 1960; 8:52 a.m.]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6503]

PART 301—PROCEDURE AND ADMINISTRATION

On December 23, 1959, notice of proposed rule making with respect to the regulations under chapter 79 of the Internal Revenue Code of 1954, relating to definitions, was published in the FEDERAL REGISTER (24 F.R. 10450). After con-

sideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted. Such regulations supersede paragraph 22 of Treasury Decision 6118 (19 F.R. 9896), approved December 30, 1954, as added by Treasury Decision 6208 (21 F.R. 8082), approved October 16, 1956.

DEFINITIONS

Sec.	
301.7701	Statutory provisions; definitions.
301.7701-1	Classification of organizations for tax purposes.
301.7701-2	Associations.
301.7701-3	Partnerships.
301.7701-4	Trusts.
301.7701-5	Domestic, foreign, resident, and nonresident persons.
301.7701-6	Fiduciary.
301.7701-7	Fiduciary distinguished from agent.
301.7701-8	Military or naval forces and Armed Forces of the United States.
301.7701-9	Secretary or his delegate.
301.7701-10	District director.
301.7701-11	Other terms.

AUTHORITY: §§ 301.7701 to 301.7701-11, issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 301.7701 Statutory provisions; definitions.

SEC. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

(4) *Domestic.* The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or any State or Territory.

(5) *Foreign.* The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(6) *Fiduciary.* The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(7) *Stock.* The term "stock" includes shares in an association, joint-stock company, or insurance company.

(8) *Shareholder.* The term "shareholder" includes a member in an association, joint-stock company, or insurance company.

(9) *United States.* The term "United States" when used in a geographical sense includes only the States and the District of Columbia.

(10) *State.* The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Delegate.* (A) *In general.* The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee,

or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

(B) *Performance of certain functions in Guam or American Samoa.* The term "delegate", in relation to the performance of functions in Guam or American Samoa with respect to the taxes imposed by chapters 2 and 21, also includes any officer or employee of any other department or agency of the United States, or of any possession thereof, duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform such functions.

(13) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to any internal revenue tax.

(15) *Military or naval forces and Armed Forces of the United States.* The term "military or naval forces of the United States" and the term "Armed Forces of the United States" each includes all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, and each term also includes the Coast Guard. The members of such forces include commissioned officers and personnel below the grade of commissioned officers in such forces.

(16) *Withholding agent.* The term "withholding agent" means any person required to deduct and withhold any tax under the provisions of sections 1441, 1442, 1443, 1451, or 1461.

(17) *Husband and wife.* As used in sections 71, 152(b) (4), 215, and 682, if the husband and wife therein referred to are divorced, wherever appropriate to the meaning of such sections, the term "wife" shall be read "former wife" and the term "husband" shall be read "former husband"; and, if the payments described in such sections are made by or on behalf of the wife or former wife to the husband instead of vice versa, wherever appropriate to the meaning of such sections, the term "husband" shall be read "wife" and the term "wife" shall be read "husband".

(18) *International organization.* The term "international organization" means a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 U.S.C. 288-288f).

(19) *Domestic building and loan association.* The term "domestic building and loan association" means a domestic building and loan association, a domestic savings and loan association, and a Federal savings and loan association, substantially all the business of which is confined to making loans to members.

(20) *Employee.* For the purpose of applying the provisions of sections 104, 105, and 106 with respect to accident and health insurance or accident and health plans, for the purpose of applying the provisions of section 101(b) with respect to employees' death benefits, and for the purpose of applying the provisions of subtitle A with respect to contributions to or under a stock bonus, pension, profit-sharing, or annuity plan, and with respect to distributions under such a plan, or by a trust forming part of such a plan, the term "employee" shall include a full-time life insurance salesman who is considered an employee for the purpose of chapter 21, or in the case of services performed before January 1, 1951, who would be considered an employee if his services were performed during 1951.

(21) *Levy.* The term "levy" includes the power of distraint and seizure by any means.

(22) *Attorney General.* The term "Attorney General" means the Attorney General of the United States.

(23) *Taxable year.* The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the taxable income is computed under subtitle A. "Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of subtitle A or under regulations prescribed by the Secretary or his delegate, the period for which such return is made.

(24) *Fiscal year.* The term "fiscal year" means an accounting period of 12 months ending on the last day of any month other than December.

(25) *Paid or incurred, paid or accrued.* The terms "paid or incurred" and "paid or accrued" shall be construed according to the method of accounting upon the basis of which the taxable income is computed under subtitle A.

(26) *Trade or business.* The term "trade or business" includes the performance of the functions of a public office.

(27) *Tax Court.* The term "Tax Court" means the Tax Court of the United States.

(28) *Other terms.* Any term used in this subtitle with respect to the application of, or in connection with, the provisions of any other subtitle of this title shall have the same meaning as in such provisions.

(29) *Internal Revenue Code.* The term "Internal Revenue Code of 1954" means this title, and the term "Internal Revenue Code of 1939" means the Internal Revenue Code enacted February 10, 1939, as amended.

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(c) *Commonwealth of Puerto Rico.* Where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, references in this title to possessions of the United States shall be treated as also referring to the Commonwealth of Puerto Rico.

(d) *Cross references.*—(1) *Other definitions.* For other definitions, see the following sections of Title 1 of the United States Code:

- (1) Singular as including plural, section 1.
- (2) Plural as including singular, section 1.
- (3) Masculine as including feminine, section 1.
- (4) Officer, section 1.
- (5) Oath as including affirmation, section 1.
- (6) County as including parish, section 2.
- (7) Vessel as including all means of water transportation, section 3.
- (8) Vehicle as including all means of land transportation, section 4.
- (9) Company or association as including successors and assigns, section 5.

(2) *Effect of cross references.* For effect of cross references in this title, see section 7806(a).

[Sec. 7701, as amended by sec. 22 (g), (h), Alaska Omnibus Act (73 Stat. 146, 147); sec. 18 (i), (j), Hawaii Omnibus Act (74 Stat. 416); sec. 103(t), Social Security Amendments 1950 (74 Stat. 941)]

§ 301.7701-1 Classification of organizations for tax purposes.

(a) *Person.* The term "person" includes an individual, a corporation, a partnership, a trust or estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture, or other unincorporated organization or group. Such term also includes a guardian, committee, trustee, executor, administrator, trustee in bankruptcy, re-

ceiver, assignee for the benefit of creditors, conservator, or any person acting in a fiduciary capacity.

(b) *Standards.* The Internal Revenue Code prescribes certain categories, or classes, into which various organizations fall for purposes of taxation. These categories, or classes, include associations (which are taxable as corporations), partnerships, and trusts. The tests, or standards, which are to be applied in determining the classification in which an organization belongs (whether it is an association, a partnership, a trust, or other taxable entity) are determined under the Internal Revenue Code. Sections 301.7701-2 to 301.7701-4 set forth these tests, or standards, which are to be applied in determining whether an organization is (1) an association (see § 301.7701-2), (2) a partnership (see § 301.7701-3), or (3) a trust (see § 301.7701-4).

(c) *Effect of local law.* As indicated in paragraph (b) of this section, the classes into which organizations are to be placed for purposes of taxation are determined under the Internal Revenue Code. Thus, a particular organization might be classified as a trust under the law of one State and a corporation under the law of another State. However, for purposes of the Internal Revenue Code, this organization would be uniformly classed as a trust, an association (and, therefore, taxable as a corporation), or some other entity, depending upon its nature under the classification standards of the Internal Revenue Code. Similarly, the term "partnership" is not limited to the common law meaning of partnership, but is broader in its scope and includes groups not commonly called partnerships. See § 1.761-1 of this chapter (Income Tax Regulations) and § 301.7701-3. The term "corporation" is not limited to the artificial entity usually known as a corporation, but includes also an association, a trust classed as an association because of its nature or its activities, a joint-stock company, and an insurance company. Although it is the Internal Revenue Code rather than local law which establishes the tests or standards which will be applied in determining the classification in which an organization belongs, local law governs in determining whether the legal relationships which have been established in the formation of an organization are such that the standards are met. Thus, it is local law which must be applied in determining such matters as the legal relationships of the members of the organization among themselves and with the public at large, and the interests of the members of the organization in its assets.

§ 301.7701-2 Associations.

(a) *Characteristics of corporations.*

(1) The term "association" refers to an organization whose characteristics require it to be classified for purposes of taxation as a corporation rather than as another type of organization such as a partnership or a trust. There are a number of major characteristics ordinarily found in a pure corporation which, taken together, distinguish it from other organizations. These are: (i) Associates,

(ii) an objective to carry on business and divide the gains therefrom, (iii) continuity of life, (iv) centralization of management, (v) liability for corporate debts limited to corporate property, and (vi) free transferability of interests. Whether a particular organization is to be classified as an association must be determined by taking into account the presence or absence of each of these corporate characteristics. The presence or absence of these characteristics will depend upon the facts in each individual case. In addition to the major characteristics set forth in this subparagraph, other factors may be found in some cases which may be significant in classifying an organization as an association, a partnership, or a trust. An organization will be treated as an association if the corporate characteristics are such that the organization more nearly resembles a corporation than a partnership or trust. See *Morrissey et al. v. Commissioner* (1935) 296 U.S. 344.

(2) Since associates and an objective to carry on business for joint profit are essential characteristics of all organizations engaged in business for profit (other than the so-called one-man corporation and the sole proprietorship), the absence of either of these essential characteristics will cause an arrangement among co-owners of property for the development of such property for the separate profit of each not to be classified as an association. Some of the major characteristics of a corporation are common to trusts and corporations, and others are common to partnerships and corporations. Characteristics common to trusts and corporations are not material in attempting to distinguish between a trust and an association, and characteristics common to partnerships and corporations are not material in attempting to distinguish between an association and a partnership. For example, since centralization of management, continuity of life, free transferability of interests, and limited liability are generally common to trusts and corporations, the determination of whether a trust which has such characteristics is to be treated for tax purposes as a trust or as an association depends on whether there are associates and an objective to carry on business and divide the gains therefrom. On the other hand, since associates and an objective to carry on business and divide the gains therefrom are generally common to both corporations and partnerships, the determination of whether an organization which has such characteristics is to be treated for tax purposes as a partnership or as an association depends on whether there exists centralization of management, continuity of life, free transferability of interests, and limited liability.

(3) An unincorporated organization shall not be classified as an association unless such organization has more corporate characteristics than non-corporate characteristics. In determining whether an organization has more corporate characteristics than non-corporate characteristics, all characteristics common to both types of organizations shall not be considered. For example, if

a limited partnership has centralized management and free transferability of interests but lacks continuity of life and limited liability, and if the limited partnership has no other characteristics which are significant in determining its classification, such limited partnership is not classified as an association. Although the limited partnership also has associates and an objective to carry on business and divide the gains therefrom, these characteristics are not considered because they are common to both corporations and partnerships.

(4) The rules of this section and §§ 301.7701-3 and 301.7701-4 are applicable only to taxable years beginning after December 31, 1960. However, for any taxable year beginning after December 31, 1960, but before October 1, 1961, any amendment of the agreement establishing the organization will, in the case of an organization in existence on November 17, 1960, be treated for purposes of determining the classification of the organization as being in effect as of the beginning of such taxable year (i) if the amendment of the agreement is made before October 1, 1961, and (ii) if the amendment results in the classification of the organization under the rules of this section and §§ 301.7701-1, 301.7701-3, and 301.7701-4 in the same manner as the organization was classified for tax purposes on November 17, 1960.

(b) *Continuity of life.* (1) An organization has continuity of life if the death, insanity, bankruptcy, retirement, resignation, or expulsion of any member will not cause a dissolution of the organization. On the other hand, if the death, insanity, bankruptcy, retirement, resignation, or expulsion of any member will cause a dissolution of the organization, continuity of life does not exist. If the retirement, death, or insanity of a general partner of a limited partnership causes a dissolution of the partnership, unless the remaining general partners agree to continue the partnership or unless all remaining members agree to continue the partnership, continuity of life does not exist. See *Glensder Textile Company* (1942) 46 B.T.A. 176 (A., C.B. 1942-1, 8).

(2) For purposes of this paragraph, dissolution of an organization means an alteration of the identity of an organization by reason of a change in the relationship between its members as determined under local law. For example, since the resignation of a partner from a general partnership destroys the mutual agency which exists between such partner and his copartners and thereby alters the personal relation between the partners which constitutes the identity of the partnership itself, the resignation of a partner dissolves the partnership. A corporation, however, has a continuing identity which is detached from the relationship between its stockholders. The death, insanity, or bankruptcy of a shareholder or the sale of a shareholder's interest has no effect upon the identity of the corporation and, therefore, does not work a dissolution of the organization. An agreement by which an organization is established may provide that the business will be contin-

ued by the remaining members in the event of the death or withdrawal of any member, but such agreement does not establish continuity of life if under local law the death or withdrawal of any member causes a dissolution of the organization. Thus, there may be a dissolution of the organization and no continuity of life although the business is continued by the remaining members.

(3) An agreement establishing an organization may provide that the organization is to continue for a stated period or until the completion of a stated undertaking or such agreement may provide for the termination of the organization at will or otherwise. In determining whether any member has the power of dissolution, it will be necessary to examine the agreement and to ascertain the effect of such agreement under local law. For example, if the agreement expressly provides that the organization can be terminated by the will of any member, it is clear that the organization lacks continuity of life. However, if the agreement provides that the organization is to continue for a stated period or until the completion of a stated transaction, the organization has continuity of life if the effect of the agreement is that no member has the power to dissolve the organization in contravention of the agreement. Nevertheless, if, notwithstanding such agreement, any member has the power under local law to dissolve the organization, the organization lacks continuity of life. Accordingly, a general partnership subject to a statute corresponding to the Uniform Partnership Act and a limited partnership subject to a statute corresponding to the Uniform Limited Partnership Act both lack continuity of life.

(c) *Centralization of management.* (1) An organization has centralized management if any person (or any group of persons which does not include all the members) has continuing exclusive authority to make the management decisions necessary to the conduct of the business for which the organization was formed. Thus, the persons who are vested with such management authority resemble in powers and functions the directors of a statutory corporation. The effective operation of a business organization composed of many members generally depends upon the centralization in the hands of a few of exclusive authority to make management decisions for the organization, and therefore, centralized management is more likely to be found in such an organization than in a smaller organization.

(2) The persons who have such authority may, or may not, be members of the organization and may hold office as a result of a selection by the members from time to time, or may be self-perpetuating in office. See *Morrissey et al. v. Commissioner* (1935) 296 U.S. 344. Centralized management can be accomplished by election to office, by proxy appointment, or by any other means which has the effect of concentrating in a management group continuing exclusive authority to make management decisions.

(3) Centralized management means a concentration of continuing exclusive

authority to make independent business decisions on behalf of the organization which do not require ratification by members of such organization. Thus, there is not centralized management when the centralized authority is merely to perform ministerial acts as an agent at the direction of a principal.

(4) There is no centralization of continuing exclusive authority to make management decisions, unless the managers have sole authority to make such decisions. For example, in the case of a corporation or a trust, the concentration of management powers in a board of directors or trustees effectively prevents a stockholder or a trust beneficiary, simply because he is a stockholder or beneficiary, from binding the corporation or the trust by his acts. However, because of the mutual agency relationship between members of a general partnership subject to a statute corresponding to the Uniform Partnership Act, such a general partnership cannot achieve effective concentration of management powers and, therefore, centralized management. Usually, the act of any partner within the scope of the partnership business binds all the partners; and even if the partners agree among themselves that the powers of management shall be exclusively in a selected few, this agreement will be ineffective as against an outsider who had no notice of it. In addition, limited partnerships subject to a statute corresponding to the Uniform Limited Partnership Act, generally do not have centralized management, but centralized management ordinarily does exist in such a limited partnership if substantially all the interests in the partnership are owned by the limited partners.

(d) *Limited liability.* (1) An organization has the corporate characteristic of limited liability if under local law there is no member who is personally liable for the debts or claims against the organization. Personal liability means that a creditor of an organization may seek personal satisfaction from a member of the organization to the extent that the assets of such organization are insufficient to satisfy the creditor's claim. A member of the organization who is personally liable for the obligations of the organization may make an agreement under which another person, whether or not a member of the organization, assumes such liability or agrees to indemnify such member for any such liability. However, if under local law the member remains liable to such creditors notwithstanding such agreement, there exists personal liability with respect to such member. In the case of a general partnership subject to a statute corresponding to the Uniform Partnership Act, personal liability exists with respect to each general partner. Similarly, in the case of a limited partnership subject to a statute corresponding to the Uniform Limited Partnership Act, personal liability exists with respect to each general partner, except as provided in subparagraph (2) of this paragraph.

(2) In the case of an organization formed as a limited partnership, personal liability does not exist, for pur-

poses of this paragraph, with respect to a general partner when he has no substantial assets (other than his interest in the partnership) which could be reached by a creditor of the organization and when he is merely a "dummy" acting as the agent of the limited partners. Notwithstanding the formation of the organization as a limited partnership, when the limited partners act as the principals of such general partner, personal liability will exist with respect to such limited partners. Also, if a corporation is a general partner, personal liability exists with respect to such general partner when the corporation has substantial assets (other than its interest in the partnership) which could be reached by a creditor of the limited partnership. A general partner may contribute his services, but no capital, to the organization, but if such general partner has substantial assets (other than his interest in the partnership), there exists personal liability although the assets of such general partners would be insufficient to satisfy any substantial portion of the obligations of the organization. In addition, although the general partner has no substantial assets (other than his interest in the partnership), personal liability exists with respect to such general partner when he is not merely a "dummy" acting as the agent of the limited partners.

(e) *Free transferability of interests.*

(1) An organization has the corporate characteristic of free transferability of interests if each of its members or those members owning substantially all of the interests in the organization have the power, without the consent of other members, to substitute for themselves in the same organization a person who is not a member of the organization. In order for this power of substitution to exist in the corporate sense, the member must be able, without the consent of other members, to confer upon his substitute all the attributes of his interest in the organization. Thus, the characteristic of free transferability of interests does not exist in a case in which each member can, without the consent of other members, assign only his right to share in profits but cannot so assign his rights to participate in the management of the organization. Furthermore, although the agreement provides for the transfer of a member's interest, there is no power of substitution and no free transferability of interest if under local law a transfer of a member's interest results in the dissolution of the old organization and the formation of a new organization.

(2) If each member of an organization can transfer his interest to a person who is not a member of the organization only after having offered such interest to the other members at its fair market value, it will be recognized that a modified form of free transferability of interests exists. In determining the clas-

sification of an organization, the presence of this modified corporate characteristic will be accorded less significance than if such characteristic were present in an unmodified form.

(f) *Cross reference.* See paragraph (b) of § 301.7701-3 for the application to limited partnerships of the rules relating to corporate characteristics.

(g) *Examples.* The application of the rules described in this section may be illustrated by the following examples:

Example (1). A group of seven doctors forms a clinic for the purpose of furnishing, for profit, medical and surgical services to the public. They each transfer assets to the clinic, and their agreement provides that except upon complete liquidation of the organization on the vote of three-fourths of its members, no member has any individual interest in its assets. Their agreement also provides that neither the death, insanity, bankruptcy, retirement, resignation, nor expulsion of a member shall cause the dissolution of the organization. Under the applicable local law, on the occurrence of such an event, no member has the power to dissolve the organization. The management of the clinic is vested exclusively in an executive committee of four members elected by all the members, and under the applicable local law, no one acting without the authority of this committee has the power to bind the organization by his acts. Members of the clinic are personally liable for all debts of, or claims against, the clinic. Every member has the right to transfer his interest to a doctor who is not a member of the organization, but he must first advise the organization of the proposed transfer and give it the opportunity on a vote of the majority to purchase the interest at its fair market value. The organization has associates and an objective to carry on business and divide the gains therefrom. While it does not have the corporate characteristic of limited liability, it does have the characteristics of centralized management, continuity of life, and a modified form of free transferability of interests. The organization will be classified as an association for all the purposes of the Internal Revenue Code.

Example (2). A group of seven doctors forms a clinic for the purpose of furnishing, for profit, medical and surgical services to the public. They each transfer assets to the clinic, and their agreement provides that except upon complete liquidation of the organization on the vote of three-fourths of its members, no member has any individual interest in its assets. Their agreement also provides that neither the death, insanity, bankruptcy, retirement, resignation, nor expulsion of a member shall cause the dissolution of the organization. However, under the applicable local law, a member who withdraws does have the power to dissolve the organization. While the agreement provides that the management of the clinic is to be vested exclusively in an executive committee of four members elected by all the members, this provision is ineffective as against outsiders who had no notice of it; and therefore, the act of any member within the scope of the organization's business binds the organization insofar as such outsiders are concerned. While the agreement declares that each individual doctor alone is liable for acts of malpractice, members of the clinic are, nevertheless, personally liable for all debts of the clinic including claims based on malpractice. No member has the right, without the consent of all the other members, to transfer his interest to a doctor who is not a member of the clinic. The organization has associates and an objective to carry on business and divide the gains therefrom. However, it does not have the corporate characteristics

of continuity of life, centralized management, limited liability, and free transferability of interests. The organization will be classified as a partnership for all purposes of the Internal Revenue Code.

Example (3). A group of twenty-five lawyers forms an organization for the purpose of furnishing, for profit, legal services to the public. Their agreement provides that the organization will dissolve upon the death, insanity, bankruptcy, retirement, or expulsion of a member. While their agreement provides that the management of the organization is to be vested exclusively in an executive committee of five members elected by all the members, this provision is ineffective as against outsiders who had no notice of it; and, therefore, the act of any member within the scope of the organization's business binds the organization insofar as such outsiders are concerned. Members of the organization are personally liable for all debts, or claims against, the organization. No member has the right, without the consent of all the other members, to transfer his interest to a lawyer who is not a member of the organization. The organization has associates and an objective to carry on business and divide the gains therefrom. However, the four corporate characteristics of limited liability, centralized management, free transferability of interests, and continuity of life are absent in this case. The organization will be classified as a partnership for all purposes of the Internal Revenue Code.

Example (4). A group of twenty-five persons forms an organization for the purpose of engaging in real estate investment activities. Each member has the power to dissolve the organization at any time. The management of the organization is vested exclusively in an executive committee of five members elected by all the members, and under the applicable local law, no one acting without the authority of this committee has the power to bind the organization by his acts. Under the applicable local law, each member is personally liable for the obligations of the organization. Every member has the right to transfer his interest to a person who is not a member of the organization, but he must first advise the organization of the proposed transfer and give it the opportunity on a vote of the majority to purchase the interest at its fair market value. The organization has associates and an objective to carry on business and divide the gains therefrom. While the organization does have the characteristics of centralized management and a modified form of free transferability of interests, it does not have the corporate characteristics of continuity of life and limited liability. Under the circumstances presented, the organization will be classified as a partnership for all purposes of the Internal Revenue Code.

Example (5). A group of twenty-five persons forms an organization for the purpose of engaging in real estate investment activities. Under their agreement, the organization is to have a life of twenty years, and under the applicable local law, no member has the power to dissolve the organization prior to the expiration of that period. The management of the organization is vested exclusively in an executive committee of five members elected by all the members, and under the applicable local law, no one acting without the authority of this committee has the power to bind the organization by his acts. Under the applicable local law, each member is personally liable for the obligations of the organization. Every member has the right to transfer his interest to a person who is not a member of the organization, but he must first advise the organization of the proposed transfer and give it the opportunity on a vote of the majority to purchase the interest at its fair market value. The organization has associates and

an objective to carry on business and divide the gains therefrom. While the organization does not have the corporate characteristic of limited liability, it does have continuity of life, centralized management, and a modified form of free transferability of interests. The organization will be classified as an association for all purposes of the Internal Revenue Code.

Example (6). A group of twenty-five persons forms an organization for purposes of engaging in real estate investment activities. Each member has the power to dissolve the organization at any time. The management of the organization is vested exclusively in an executive committee of five members elected by all the members, and under the applicable local law, no one acting without the authority of this committee has the power to bind the organization by his acts. Under the applicable local law, the liability of each member for the obligations of the organization is limited to paid and subscribed capital. Every member has the right to transfer his interest to a person who is not a member of the organization, but he must first advise the organization of the proposed transfer and give it the opportunity on a vote of the majority to purchase the interest at its fair market value. The organization has associates and an objective to carry on business and divide the gains therefrom. While the organization does not have the characteristic of continuity of life, it does have limited liability, centralized management, and a modified form of free transferability of interests. The organization will be classified as an association for all purposes of the Internal Revenue Code.

Example (7). A group of twenty-five persons forms an organization for the purpose of investing in securities so as to educate the members in principles and techniques of investment practices and to share the income from such investments. While the agreement states that the organization will operate until terminated by a three-fourths vote of the total membership and will not terminate upon the withdrawal or death of any member, under the applicable local law, a member has the power to dissolve the organization at any time. The business of the organization is carried on by the members at regular monthly meetings and buy or sell action may be taken only when voted by a majority of the organization's membership present. Elected officers perform only ministerial functions such as presiding at meetings and carrying out the directions of the members. Members of the organization are personally liable for all debts of, or claims against, the organization. No member may transfer his membership. The organization has associates and an objective to carry on business and divide the gains therefrom. However, the organization does not have the corporate characteristics of limited liability, free transferability of interests, continuity of life, and centralized management. The organization will be treated as a partnership for all purposes of the Internal Revenue Code.

§ 301.7701-3 Partnerships.

(a) *In general.* The term "partnership" is broader in scope than the common law meaning of partnership and may include groups not commonly called partnerships. Thus, the term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on, and which is not a corporation or a trust or estate within the meaning of the Internal Revenue Code of 1954. A joint undertaking merely to share expenses is not a partnership. For example, if two or more

persons jointly construct a ditch merely to drain surface water from their properties, they are not partners. Mere co-ownership of property which is maintained, kept in repair, and rented or leased does not constitute a partnership. For example, if an individual owner, or tenants in common, of farm property lease it to a farmer for a cash rental or a share of the crops, they do not necessarily create a partnership thereby. Tenants in common, however, may be partners if they actively carry on a trade, business, financial operation, or venture and divide the profits thereof. For example, a partnership exists if co-owners of an apartment building lease space and in addition provide services to the occupants either directly or through an agent.

(b) *Limited partnerships.*—(1) *In general.* An organization which qualifies as a limited partnership under State law may be classified for purposes of the Internal Revenue Code as an ordinary partnership or as an association. Such a limited partnership will be treated as an association if, applying the principles set forth in § 301.7701-2, the organization more nearly resembles a corporation than an ordinary partnership or other business entity.

(2) *Examples.* The principles of this paragraph may be illustrated by the following examples:

Example (1). Three individuals form an organization which qualifies as a limited partnership under the laws of the State in which the organization was formed. The purpose of the organization is to acquire and operate various pieces of commercial and other investment property for profit. Each of the three individuals who are general partners invests \$100,000 in the enterprise. Five million dollars of additional capital is raised through contributions of \$100,000 or more by each of thirty limited partners. The three general partners are personally capable of assuming a substantial part of the obligations to be incurred by the organization. While a limited partner may assign his right to receive a share of the profits and a return of his contribution, his assignee does not become a substituted limited partner except with the unanimous consent of the general partners. The life of the organization as stated in the certificate is 20 years, but the death, insanity, or retirement of a general partner prior to the expiration of the 20-year period will dissolve the organization. The general partners have exclusive authority to manage the affairs of the organization but can act only upon the unanimous consent of all of them. The organization has associates and an objective to carry on business and divide the gains therefrom, which characterize both partnerships and corporations. While the organization has the corporate characteristic of centralized management, since substantially all of the interests in the organization are owned by the limited partners, it does not have the characteristics of continuity of life, free transferability of interests, or limited liability. The organization will be classified as a partnership for all purposes of the Internal Revenue Code.

Example (2). Three individuals form an organization which qualifies as a limited partnership under the laws of the State in which the organization was formed. The purpose of the organization is to acquire and operate various pieces of commercial and other investment property for profit. The certificate provides that the life of the organization is to be 40 years, unless a general partner dies, becomes insane, or retires

during such period. On the occurrence of such death, insanity, or retirement, the remaining general partners may continue the business of the partnership for the balance of the 40-year period under a right so to do stated in the certificate. Each of the three individuals who is a general partner invests \$50,000 in the enterprise and has means to satisfy the business obligations of the organization to a substantial extent. Five million dollars of additional capital is raised through the sale of freely transferable interests in amounts of \$10,000 or less to limited partners. Nine hundred such interests are sold. The interests of the 900 limited partners are fully transferable, that is, a transferee acquires all the attributes of the transferor's interest in the organization. The general partners have exclusive control over management of the business, their interests are not transferable, and their liability for debts of the organization is not limited to their capital contributions. The organization has associates and an objective to carry on business and divide the gains therefrom. It does not have the corporate characteristics of limited liability and continuity of life. It has centralized management, however, since the three general partners exercise exclusive control over the management of the business, and since substantially all of the interests in the organization are owned by the limited partners. While the interests of the general partners are not transferable, the transferability test of an association is met since substantially all of the interests in the organization are represented by transferable interests. The organization will be classified as a partnership for all purposes of the Internal Revenue Code.

(c) *Partnership associations.* The laws of a number of States provide for the formation of organizations commonly known as partnership associations. Such a partnership association will be treated as an association if, applying the principles set forth in § 301.7701-2, the organization more nearly resembles a corporation than the other types of business entities.

(d) *Partner.* The term "partner" means a member of a partnership.

§ 301.7701-4 Trusts.

(a) *Ordinary trusts.* In general, the term "trust" as used in the Internal Revenue Code refers to an arrangement created either by a will or by an inter vivos declaration whereby trustees take title to property for the purpose of protecting or conserving it for the beneficiaries under the ordinary rules applied in chancery or probate courts. Usually the beneficiaries of such a trust do no more than accept the benefits thereof and are not the voluntary planners or creators of the trust arrangement. However, the beneficiaries of such a trust may be the persons who create it and it will be recognized as a trust under the Internal Revenue Code if it was created for the purpose of protecting or conserving the trust property for beneficiaries who stand in the same relation to the trust as they would if the trust had been created by others for them. Generally speaking, an arrangement will be treated as a trust under the Internal Revenue Code if it can be shown that the purpose of the arrangement is to vest in trustees responsibility for the protection and conservation of property for beneficiaries who cannot share in the discharge of this responsibility and, therefore, are not associates in a

joint enterprise for the conduct of business for profit.

(b) *Business trusts.* There are other arrangements which are known as trusts because the legal title to property is conveyed to trustees for the benefit of beneficiaries, but which are not classified as trusts for purposes of the Internal Revenue Code because they are not simply arrangements to protect or conserve the property for the beneficiaries. These trusts, which are often known as business or commercial trusts, generally are created by the beneficiaries simply as a device to carry on a profit-making business which normally would have been carried on through business organizations that are classified as corporations or partnerships under the Internal Revenue Code. However, the fact that the corpus of the trust is not supplied by the beneficiaries is not sufficient reason in itself for classifying the arrangement as an ordinary trust rather than as an association or partnership. The fact that any organization is technically cast in the trust form, by conveying title to property to trustees for the benefit of persons designated as beneficiaries, will not change the real character of the organization if, applying the principles set forth in §§ 301.7701-2 and 301.7701-3, the organization more nearly resembles an association or a partnership than a trust.

(c) *Certain investment trusts.* An "investment" trust of the type commonly known as a management trust is an association, and a trust of the type commonly known as a fixed investment trust is an association if there is power under the trust agreement to vary the investment of the certificate holders. See *Commissioner v. North American Bond Trust* (C.C.A. 2d 1941) 122 F. 2d 545, cert. denied 314 U.S. 701. However, if there is no power under the trust agreement to vary the investment of the certificate holders, such fixed investment trust shall be classified as a trust.

(d) *Liquidating trusts.* Certain organizations which are commonly known as liquidating trusts are treated as trusts for purposes of the Internal Revenue Code. An organization will be considered a liquidating trust if it is organized for the primary purpose of liquidating and distributing the assets transferred to it, and if its activities are all reasonably necessary to, and consistent with, the accomplishment of that purpose. A liquidating trust is treated as a trust for purposes of the Internal Revenue Code because it is formed with the objective of liquidating particular assets and not as an organization having as its purpose the carrying on of a profit-making business which normally would be conducted through business organizations classified as corporations or partnerships. However, if the liquidation is unreasonably prolonged or if the liquidation purpose becomes so obscured by business activities that the declared purpose of liquidation can be said to be lost or abandoned, the status of the organization will no longer be that of a liquidating trust. Bondholders' protective committees, voting trusts, and other agencies formed to protect the interests of security holders

during insolvency, bankruptcy, or corporate reorganization proceedings are analogous to liquidating trusts but if subsequently utilized to further the control or profitable operation of a going business on a permanent continuing basis, they will lose their classification as trusts for purposes of the Internal Revenue Code.

§ 301.7701-5 Domestic, foreign, resident, and nonresident persons.

A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized. The term "nonresident alien", as used in the regulations in this chapter, includes a nonresident alien individual and a nonresident alien fiduciary.

§ 301.7701-6 Fiduciary.

"Fiduciary" is a term which applies to persons who occupy positions of peculiar confidence toward others, such as trustees, executors, and administrators. A fiduciary is a person who holds in trust an estate to which another has the beneficial title or in which another has a beneficial interest, or receives and controls income of another, as in the case of receivers. A committee or guardian of the property of an incompetent person is a fiduciary.

§ 301.7701-7 Fiduciary distinguished from agent.

There may be a fiduciary relationship between an agent and a principal, but the word "agent" does not denote a fiduciary. An agent having entire charge of property, with authority to effect and execute leases with tenants entirely on his own responsibility and without consulting his principal, merely turning over the net profits from the property periodically to his principal by virtue of authority conferred upon him by a power of attorney, is not a fiduciary within the meaning of the Internal Revenue Code. In cases where no legal trust has been created in the estate controlled by the agent and attorney, the liability to make a return rests with the principal.

§ 301.7701-8 Military or naval forces and Armed Forces of the United States.

The term "military or naval forces of the United States" and the term "Armed Forces of the United States" each includes all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force. The terms also include the Coast Guard. The members of such forces include commissioned officers and the personnel below the grade of commissioned officer in such forces.

§ 301.7701-9 Secretary or his delegate.

(a) The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

(b) In any case in which a function is vested by the Internal Revenue Code of 1954 or any other statute in the Secretary or his delegate, and Treasury regulations or Treasury decisions approved by the Secretary or his delegate provide that such function may be performed by the Commissioner, assistant commissioner, regional commissioner, assistant regional commissioner, district director, or by a designated officer or employee in the office of any such officer, such provision in the regulations or Treasury decision shall constitute a delegation by the Secretary of the authority to perform such function to the designated officer or employee. If such authority is delegated to any officer or employee performing services under the supervision and control of the Commissioner, such provision in the regulations or Treasury decision shall constitute a delegation by the Secretary to the Commissioner of the authority to perform such function and a redelegation thereof by the Commissioner to the designated officer or employee.

(c) An officer or employee, including the Commissioner, authorized by regulations or Treasury decision to perform a function shall have authority to redelegate the performance of such function to any officer or employee performing services under his supervision and control, unless such power to so redelegate is prohibited or restricted by proper order or directive. The Commissioner may also redelegate authority to perform such function to other officers or employees under his supervision and control and, to the extent he deems proper, may authorize further redelegation of such authority.

(d) The Commissioner may prescribe such limitations as he deems proper on the extent to which any officer or employee under his supervision and control shall perform any such function, but, in the case of an officer or employee desig-

nated in regulations or Treasury decision as authorized to perform such function, such limitations shall not render invalid any performance by such officer or employee of the function which, except for such limitations, such officer or employee is authorized to perform by such regulations or Treasury decision in effect at the time the function is performed.

§ 301.7701-10 District director.

The term "district director" means the district director of internal revenue for an internal revenue district. The term also includes the Director of International Operations.

§ 301.7701-11 Other terms.

Any terms which are defined in section 7701 and which are not defined in §§ 301.7701-1 to 301.7701-10 shall, when used in this chapter, have the meanings assigned to them in section 7701.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: November 14, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 60-10764; Filed, Nov. 15, 1960;
1:00 p.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER E—LOAD LINES

[CGFR 60-74]

PART 43—FOREIGN OR COASTWISE VOYAGE

Subpart 43.40—Zones and Seasonal Areas and Miscellaneous Requirements

"WINTER SEASONAL" ZONE OFF THE SOUTHERN COAST OF AUSTRALIA

The purpose of the amendment to 46 CFR 43.40-1(e), as set forth in this document, is to revise the description of the "Winter Seasonal" Zone off the southern coast of Australia to agree with the Load Lines Modification of Annex II of the International Load Lines Convention of July 5, 1930 (TS 858; 47 Stat. 2228), which was proclaimed by the President of the United States of America in a Proclamation dated August 4, 1960 (TIAS 4550), and stating this modification entered into force on August 7, 1959. The Load Lines Modification changed the "Winter Seasonal" Zone off the southern coast of Australia by omitting the words " * * * to the west coast of Australia to Cape Arid * * *" and inserting in their stead the words " * * * to the point Lat. 35°30' S., Long. 118° E., off the southern coast of Australia * * *." It is hereby found that the Coast Guard is exempt from compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon). This amendment changes the description to agree with the Load Lines Convention as modified.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), to promulgate regulations in accordance with the statutes cited with the regulation below, the following amendment to § 43.40-1(e) is prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

§ 43.40-1 Boundaries of the zones and seasonal areas.

* * * * *

(e) The northern boundary of the southern "winter seasonal" zone is a line drawn from the east coast of South America along the parallel of latitude 40° S. to longitude 56° W., thence along a rhumb line to the point latitude 34° S., longitude 50° W., thence along the parallel of latitude 34° S. to the west coast of South Africa; from the east coast of South Africa at latitude 30° S. along a rhumb line to the point latitude 35°30' S., longitude 118° E., off the southern coast of Australia, thence along a rhumb line to Cape Grim, Tasmania, thence along the north coast of Tasmania to Eddystone Point, thence along a rhumb line to the west coast of South Island, New Zealand, at longitude 170° E., thence along the west, south, and east coasts of South Island to Cape Saunders, thence along a rhumb line to the point latitude 33° S., longitude 170° W.; and thence along the parallel of latitude 33° S. to the west coast of South America, Valparaiso, Cape Town, and Durban to be considered as being on the boundary line of the Southern "seasonal winter" and "summer" zones.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a)

Dated: November 10, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60-10722; Filed, Nov. 16, 1960;
8:52 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 170—COMMERCIAL ZONES

[Ex Parte No. MC-37]

Commercial Zones and Terminal Areas; Lake Charles, La., Commercial Zone

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 2d day of November A.D. 1960.

It appearing that on November 26, 1946, the Commission, division 5, made and filed its first report, 46 M.C.C. 665, and order in the above-numbered proceeding establishing a mileage-population formula for the definition of the limits of the zone adjacent to and commercially a part of every municipality in

the United States, with certain exceptions which did not include Lake Charles, La.;

It further appearing that by joint petition filed April 30, 1959, Lake Charles Harbor and Terminal District, Firestone Tire & Rubber Company, Cit-Con Oil Corporation, Petroleum Chemical, Inc., Davison Chemical Company, and Magnolia Petroleum, and by separate petition filed June 15, 1959, Cities Service Refining Corporation, seek redefinition and extension of the Lake Charles, La., commercial zone limits;

It further appearing that an informal conference has been held at Lake Charles, La., on September 29, 1959, wherein petitioners and other persons presented their views in support of or in opposition to the relief sought in said petitions;

It further appearing that a notice of proposed rule making affecting the Lake Charles, La., commercial zone limits was issued December 31, 1959, and published in the FEDERAL REGISTER at 25 F.R. 86;

And it further appearing that section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) and the transportation of passengers and property by motor vehicle, in interstate or foreign commerce, wholly within a municipality or between contiguous municipalities, or within a zone adjacent to or commercially a part of such municipality being under consideration, and good cause appearing therefor;

It is ordered, That said proceeding insofar as it relates to the zone adjacent to and commercially a part of Lake Charles, La., be, and it is hereby, reopened for further consideration.

It is further ordered, That Part 170 be, and it is hereby, amended by adding thereto the following section;

§ 170.19 Lake Charles, La.

That zone adjacent to and commercially a part of Lake Charles, La., within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage

or shipment to or from a point beyond the zone, is partially exempt, under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), from regulation, includes, and is comprised of, all points as follows:

(a) The municipality of Lake Charles, La., itself;

(b) All points within a line drawn 4 miles beyond the corporate limits of Lake Charles, La.;

(c) All points in that area south and west of the line described in paragraph (b) of this section, bounded by a line, as follows: beginning at the point where the line described in paragraph (b) of this section intersects Louisiana Highway 385; thence south along Louisiana Highway 385 to its intersection with the Calcasieu-Cameron Parish line; thence west along the Calcasieu-Cameron Parish line to its intersection with Louisiana Highway 27; thence northerly along Louisiana Highway 27 to a point thereon 2 miles south of U.S. Highway 90; thence east along a line parallel to U.S. Highway 90 to Louisiana Highway 108; thence north along Louisiana Highway 108 to junction U.S. Highway 90; thence east along U.S. Highway 90 to the intersection thereof with the line described in paragraph (b) of this section;

(d) All of any municipality any part of which is within the limits of the combined areas in paragraphs (b) and (c) of this section; and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the City of Lake Charles or by any municipality included under the terms of paragraph (d) of this section.

(49 Stat. 546, as amended; 49 U.S.C. 304 interprets or applies 49 Stat. 543, as amended, 544, as amended, 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective on December 21, 1960, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the gen-

eral public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-10696; Filed, Nov. 16, 1960; 8:48 a.m.]

Title 50—WILDLIFE

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

DeSoto National Wildlife Refuge, Iowa and Nebraska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuges.

IOWA

DESOTO NATIONAL WILDLIFE REFUGE

Public hunting of big game on the DeSoto National Wildlife Refuge, Iowa, is suspended for the 1960 seasons because of a low population of animals that does not warrant harvest.

NEBRASKA

DESOTO NATIONAL WILDLIFE REFUGE

Public hunting of big game on the DeSoto National Wildlife Refuge, Nebraska, is suspended for the 1960 seasons because of a low population of animals that does not warrant harvest.

R. W. BURWELL,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

NOVEMBER 10, 1960.

[F.R. Doc. 60-10683; Filed, Nov. 16, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Nonrecognition of Gain or Loss in Certain Railroad Reorganizations

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL]

DANA LATHAM,
Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) are hereby amended to reflect the changes in law made by the Act of June 29, 1956 (Public Law 628, 84th Cong., 70 Stat. 402) and section 1 of the Act of June 8, 1960 (Public Law 86-496, 74 Stat. 164). Except as otherwise provided, the regulations, as so amended, are applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

PARAGRAPH 1. Section 1.108(b) is amended to read as follows:

§ 1.108(b) Statutory provisions; income from discharge of indebtedness; railroad corporations.

Sec. 108. Income from discharge of indebtedness. * * *

(b) *Railroad corporations.* No amount shall be included in gross income by reason of the discharge, cancellation, or modification, in whole or in part, within the taxable year, of any indebtedness of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act (11 U.S.C. 205(m)), if such discharge, cancellation, or modification is effected pursuant to an order of a court—

- (A) In a receivership proceeding, or
- (B) In a proceeding under section 77 of the Bankruptcy Act,

commenced before January 1, 1960. In such cases, the amount of any income of the taxpayer attributable to any unamortized premium (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income, and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction. Subsection (a) of this section shall not apply with respect to any discharge of indebtedness to which this subsection applies.

[Sec. 108(b) as amended by sec. 5, Act of June 29, 1956 (Pub. Law 628, 84th Cong., 70 Stat. 403); sec. 1, Act of June 8, 1960 (Pub. Law 86-496, 74 Stat. 164)]

PAR. 2. Paragraph (e) of § 1.108(b)-1 is amended to read as follows:

§ 1.108(b)-1 Income from discharge of indebtedness of railroad corporations.

* * * * *

(e) The provisions of section 108(b) and this section are applicable with respect to any discharge occurring in a taxable year beginning before January 1, 1958, and for taxable years ending after December 31, 1959, the provisions are applicable with respect to any discharge occurring after December 31, 1959, pursuant to a court proceeding commenced before January 1, 1960.

PAR. 3. Section 1.357 is amended to read as follows:

§ 1.357 Statutory provisions; assumption of liability.

SEC. 357. Assumption of liability—(a) *General rule.* Except as provided in subsections (b) and (c), if—

(1) The taxpayer receives property which would be permitted to be received under section 351, 361, 371, or 374 without the recognition of gain if it were the sole consideration, and

(2) As part of the consideration, another party to the exchange assumes a liability of the taxpayer, or acquires from the taxpayer property subject to a liability,

then such assumption or acquisition shall not be treated as money or other property, and shall not prevent the exchange from being within the provisions of section 351, 361, 371, or 374, as the case may be.

(b) *Tax avoidance purpose.*—(1) *In general.* If, taking into consideration the nature of the liability and the circumstances in the light of which the arrangement for the assumption or acquisition was made, it appears that the principal purpose of the taxpayer with respect to the assumption or acquisition described in subsection (a)—

(A) Was a purpose to avoid Federal income tax on the exchange, or

(B) If not such purpose, was not a bona fide business purpose,

then such assumption or acquisition (in the total amount of the liability assumed or acquired pursuant to such exchange) shall, for purposes of section 351, 361, 371, or 374

(as the case may be), be considered as money received by the taxpayer on the exchange.

(2) *Burden of proof.* In any suit or proceeding where the burden is on the taxpayer to prove such assumption or acquisition is not to be treated as money received by the taxpayer, such burden shall not be considered as sustained unless the taxpayer sustains such burden by the clear preponderance of the evidence.

(c) *Liabilities in excess of basis.*—(1) *In general.* In the case of an exchange—

(A) To which section 351 applies, or

(B) To which section 361 applies by reason of a plan of reorganization within the meaning of section 368(a)(1)(D),

if the sum of the amount of the liabilities assumed, plus the amount of the liabilities to which the property is subject, exceeds the total of the adjusted basis of the property transferred pursuant to such exchange, then such excess shall be considered as a gain from the sale or exchange of a capital asset or of property which is not a capital asset, as the case may be.

(2) *Exceptions.* Paragraph (1) shall not apply to any exchange to which—

(A) Subsection (b)(1) of this section applies, or

(B) Section 371 or 374 applies.

[Sec. 357 as amended by sec. 2, Act of June 29, 1956 (Pub. Law 628, 84th Cong., 70 Stat. 403)]

PAR. 4. Paragraph (a) of § 1.357-1 is amended to read as follows:

§ 1.357-1 Assumption of liability.

(a) *General rule.* Section 357(a) does not affect the rule that liabilities assumed are to be taken into account for the purpose of computing the amount of gain or loss realized under section 1001 upon an exchange. Section 357(a) provides, subject to the exceptions and limitations specified in section 357(b) and (c), that—

(1) Liabilities assumed are not to be treated as "other property or money" for the purpose of determining the amount of realized gain which is to be recognized under section 351, 361, 371, or 374, if the transactions would, but for the receipt of "other property or money" have been exchanges of the type described in any one of such sections; and

(2) If the only type of consideration received by the transferor in addition to that permitted to be received by section 351, 361, 371, or 374, consists of an assumption of liabilities, the transaction, if otherwise qualified, will be deemed to be within the provisions of section 351, 361, 371, or 374.

PAR. 5. Paragraph (a) of § 1.357-2 is amended to read as follows:

§ 1.357-2 Liabilities in excess of basis.

(a) Section 357(c) provides in general that in an exchange to which section 351 (relating to a transfer to a corporation controlled by the transferor) is applicable, or to which section 361 (relating to the nonrecognition of gain or loss to corporations) is applicable by reason of a section 368(a)(1)(D) reorganization, if the sum of the amount of liabilities

assumed plus the amount of liabilities to which the property is subject exceeds the total of the adjusted basis of the property transferred pursuant to such exchange, then such excess shall be considered as a gain from the sale or exchange of a capital asset or of property which is not a capital asset as the case may be. Thus, if an individual transfers, under section 351, properties having a total basis in his hands of \$20,000, one of which has a basis of \$10,000 but is subject to a mortgage of \$30,000, to a corporation controlled by him, such individual will be subject to tax with respect to \$10,000, the excess of the amount of the liability over the total adjusted basis of all the properties in his hands. The same result will follow whether or not the liability is assumed by the transferee. The determination of whether a gain resulting from the transfer of capital assets is long-term or short-term capital gain shall be made by reference to the holding period to the transferor of the assets transferred. An exception to the general rule of section 357(c) is made (1) for any exchange as to which under section 357(b) (relating to assumption of liabilities for tax-avoidance purposes) the entire amount of the liabilities is treated as money received and (2) for an exchange to which section 371 (relating to reorganizations in certain receivership and bankruptcy proceedings) or section 374 (relating to gain or loss not recognized in certain railroad reorganizations) is applicable.

PAR. 6. In § 1.373, section 373(a) and (b)(1) is amended, and a historical note is added, to read as follows:

§ 1.373 Statutory provisions; loss not recognized in certain railroad reorganizations.

SEC. 373. *Loss not recognized in certain railroad reorganizations*—(a) *Nonrecognition of loss*. No loss shall be recognized if property of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act (49 Stat. 922; 11 U.S.C. 205), is transferred before August 1, 1955, in pursuance of an order of the court having jurisdiction of such corporation—

- (1) In a receivership proceeding, or
- (2) In a proceeding under section 77 of the Bankruptcy Act,

to a railroad corporation (as defined in section 77(m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding.

(b) *Basis*—(1) *Railroad corporations*. If the property of a railroad corporation (as defined in section 77(m) of the Bankruptcy Act) was acquired after December 31, 1938, and before August 1, 1955, in pursuance of an order of the court having jurisdiction of such corporation—

- (A) In a receivership proceeding, or
- (B) In a proceeding under section 77 of the Bankruptcy Act,

and the acquiring corporation is a railroad corporation (as defined in section 77(m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, the basis shall be the same as it would be in the hands of the railroad corporation whose property was so acquired.

[Sec. 373 as amended by sec. 3, Act of June 29, 1956 (Pub. Law 628, 84th Cong., 70 Stat. 403)]

PAR. 7. Paragraph (b) of § 1.373-1 is amended to read as follows:

§ 1.373-1 Nonrecognition of loss upon transfer of property of railroad corporation.

(b) Section 373(a) applies only to a transfer made before August 1, 1955, resulting in a loss and has no application if the transfer therein described results in a gain.

PAR. 8. The following four new sections are inserted after § 1.373-3.

§ 1.374 Statutory provisions; gain or loss not recognized in certain railroad reorganizations.

SEC. 374. *Gain or loss not recognized in certain railroad reorganizations*—(a) *Exchanges by corporations*—(1) *Nonrecognition of gain or loss*. No gain or loss shall be recognized if property of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act (49 Stat. 922; 11 U.S.C. 205), is transferred after July 31, 1955, in pursuance of an order of the court having jurisdiction of such corporation—

- (A) In a receivership proceeding, or
- (B) In a proceeding under section 77 of the Bankruptcy Act,

to another railroad corporation (as defined in section 77(m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, in exchange solely for stock or securities in such other railroad corporation.

(2) *Gain from exchanges not solely in kind*. If an exchange would be within the provisions of paragraph (1) if it were not for the fact that the property received in exchange consists not only of stock or securities permitted by paragraph (1) to be received without the recognition of gain, but also of other property or money, then—

(A) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but

(B) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property so received, which is not so distributed.

(3) *Loss from exchanges not solely in kind*. If an exchange would be within the provisions of paragraph (1) if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

(b) *Basis*. If the property of a railroad corporation (as defined in section 77(m) of the Bankruptcy Act) was acquired after July 31, 1955, in pursuance of an order of the court having jurisdiction of such corporation—

- (1) In a receivership proceeding, or
- (2) In a proceeding under section 77 of the Bankruptcy Act,

and the acquiring corporation is a railroad corporation (as defined in section 77(m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, the basis shall be the same as it would be in the hands of the railroad corporation whose property was so acquired, increased in the amount of gain recognized under subsection (a)(2) to the transferor on such transfer.

(c) *Assumption of liabilities*. In the case of a transaction involving an assumption of a liability or the acquisition of property subject to a liability, the rules provided in section 357 shall apply.

[Sec. 374 as added by sec. 1, Act of June 29, 1956 (Pub. Law 628, 84th Cong., 70 Stat. 402)]

§ 1.374-1 Exchanges by insolvent railroad corporations.

(a) *Exchange solely for stock or securities*. (1) Section 374(a)(1) provides for the nonrecognition of gain or loss by an insolvent railroad corporation upon certain exchanges made in connection with the reorganization of the corporation. In order to qualify as a section 374(a) reorganization, the transaction must satisfy the express statutory requirements as well as the underlying assumptions and purposes for which the exchange is excepted from the general rule requiring the recognition of gain or loss upon the exchange of property.

(2) Section 374(a)(1) applies only with respect to a reorganization effected in one of two specified types of court proceedings: (i) Receivership proceedings, or (ii) proceedings under section 77 of the Bankruptcy Act (11 U.S.C. 205). The specific statutory requirements are the transfer after July 31, 1955, of property of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act (11 U.S.C. 205(m)), in pursuance of an order of the court having jurisdiction of the corporation in such proceeding, to another railroad corporation, as defined in section 77(m) of the Bankruptcy Act, organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, in exchange solely for stock or securities in such other railroad corporation. If the consideration for the transfer consists of other property or money as well as stock and securities, see section 374(a)(2) and (3) and paragraph (b) of this section. As to the assumption of liabilities in an exchange described in section 374(a), see section 357 and paragraph (a)(1) and (2) of § 1.357-1 and paragraph (a) of § 1.357-2.

(3) The application of section 374(a)(1) is to be strictly limited to a transaction of the character set forth in such section. Hence, the section is inapplicable unless there is a bona fide plan of reorganization approved by the court having jurisdiction of the proceeding and the transfer of the property of the insolvent railroad corporation is made pursuant to such plan. It is unnecessary that the transfer be a direct transfer from the insolvent railroad corporation; it is sufficient if the transfer is an integral step in the consummation of the reorganization plan approved by the court. By its terms, the section has no application to a reorganization consummated by adjustment of the capital or debt structure of the insolvent railroad corporation without the transfer of its assets to another railroad corporation.

(4) As used in section 374(a)(1), the term "reorganization" is not controlled by the definition of "reorganization" contained in section 368. However, certain basic requirements, implicit in the statute, which are essential to a reorganization under section

368, are likewise essential to qualify a transaction as a reorganization under section 374(a)(1). Among these requirements are a continuity of the business enterprise under the modified corporate form and a continuity of interest therein on the part of those persons who were the owners of the enterprise prior to the reorganization. Thus, the nonrecognition accorded by section 374(a)(1) applies only to a genuine reorganization as distinguished from a liquidation and sale of property to either new or old interests supplying new capital and discharging the obligations of the old railroad corporation. For the purpose of determining whether the requisite continuity of interest exists, the interest of creditors who have, by appropriate legal steps, obtained effective command of the property of an insolvent railroad corporation is considered as the equivalent of a proprietary interest. But the mere possibility of a proprietary interest is not its equivalent. In general, any transaction will be subject to nonrecognition of gain or loss as prescribed by section 374(a)(1) where the property is transferred to a railroad corporation and the stock and securities of such corporation are transferred to persons who were shareholders or creditors of the transferor railroad corporation as if such stock or securities had been transferred to such persons as shareholders pursuant to the nonrecognition provisions of part III, subchapter C, chapter 1 of the Code. The determinative and controlling factors are the railroad corporation's insolvency and the effective command by the creditors over its property. The term "insolvent" as used in this section refers to insolvency at any time during the course of the proceeding referred to in section 374(a)(1), either in the sense of excess of liabilities over assets or in the sense of inability to meet obligations as they mature.

(5) A short-term purchase money note is not a security within the meaning of this section, and the transfer of the properties of the insolvent railroad corporation for cash and deferred payment obligations of the transferee evidenced by short-term notes is a sale and not an exchange.

(b) *Exchange for stock or securities and other property or money.* If an exchange would be within the provisions of section 374(a)(1) if it were not for the fact that the consideration for the transfer of the property of the insolvent railroad corporation consists not only of stock or securities but also of other property or money, then, as provided in section 374(a)(2), if the other property or money received by the railroad corporation is distributed by it pursuant to the plan of reorganization, no gain to the railroad corporation will be recognized. Property is distributed within the meaning of this section if it is paid over or distributed to shareholders or creditors who have by appropriate legal steps obtained effective command of the property of the railroad corporation. If the other property or money received by the railroad corporation is not distributed by it pursuant to the plan of reorganization, the gain, if any, to the railroad corpora-

tion from the exchange will be recognized in an amount not in excess of the sum of money and the fair market value of the other property so received which is not distributed. In either case no loss from the exchange will be recognized (see section 374(a)(3)). See section 354(c) relative to exchanges by stock or security holders.

§ 1.374-2 Basis of property acquired after July 31, 1955, by railroad corporation in a receivership or railroad reorganization proceeding.

Section 374(b) provides that if property of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act (11 U.S.C. 205(m)), was acquired after July 31, 1955, in pursuance of an order of the court having jurisdiction of such corporation in either a receivership proceeding or a proceeding under section 77 of the Bankruptcy Act, and the acquiring corporation is also a railroad corporation as defined in section 77(m) of such Act, organized or availed of to effectuate a plan of reorganization approved by the court in such proceeding, the basis shall be the same as it would be in the hands of the transferor railroad corporation, increased in the amount of gain recognized to the transferor under section 374(a)(2) and paragraph (b) of § 1.374-1. For purposes of section 374(b), it is unnecessary that the acquisition in question be a direct transfer from the corporation undergoing reorganization or that such reorganization constitute a reorganization within the meaning of section 368(a) since that section does not apply to part IV, subchapter C, chapter 1 of the Code. It is sufficient if the acquisition is in pursuance of an order of the court and is an integral step in the consummation of a reorganization plan approved by the court having jurisdiction of the proceeding. If the transaction falls within the provisions of section 374(b), the basis of the property involved shall be determined pursuant to such provisions, notwithstanding that the transaction might also fall within another basis provision.

§ 1.374-3 Records to be kept and information to be filed.

(a) *Return information.* Each railroad corporation a party to a section 374(a) reorganization shall furnish a complete statement of all facts pertinent to the recognition or nonrecognition of gain or loss in connection with the exchange, including:

(1) A certified copy of the plan of reorganization approved by the court in the proceeding, together with a statement showing in full the purposes thereof and in detail all transactions incident, or pursuant, to the plan;

(2) A complete statement of the cost or other basis of all property, including all stock or securities, transferred incident to the plan;

(3) A statement of the amount of stock or securities and other property or money received in the exchange, including a statement of all distributions or other disposition made thereof. The amount of each kind of stock or securities or other property shall be stated on

the basis of the fair market value thereof at the date of the exchange;

(4) A statement of the amount and nature of any liabilities assumed upon the exchange.

The information required by this paragraph shall be filed as a part of each railroad corporation's return for its taxable year within which the reorganization occurred.

(b) *Permanent records.* Permanent records in substantial forms must be kept by every railroad corporation which participates in a tax-free exchange in connection with a section 374(a) reorganization showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

[F.R. Doc. 60-10726; Filed, Nov. 16, 1960; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 961, 1010]

[Docket Nos. AO-160-A22-R01 and AO-276-A2-R01]

MILK IN PHILADELPHIA, PA., AND WILMINGTON, DEL., MARKETING AREAS

Notice of Revised Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements, and orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 8th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Philadelphia, Pennsylvania, on October 22-23, 1959, pursuant to

notice thereof which was issued October 2, 1959 (24 F.R. 8117), and reopened at Philadelphia, Pennsylvania, on November 23, 1959, pursuant to notice thereof which was issued November 5, 1959 (24 F.R. 9166).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 29, 1960 (25 F.R. 2769), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto. Interested parties were given a period through June 1, 1960, to file exceptions and, at the request of a producer cooperative association, an additional period of September 2 through September 10, 1960. Because of the nature of the exceptions submitted in response to the recommended decision and the extent of the changes deemed necessary to modify the findings and conclusions contained in the March 29 recommended decision, it is concluded that this further recommended decision should be issued with opportunity for exceptions thereto.

The material issues on the record of the hearing relate to:

1. Revision of the Philadelphia and Wilmington Class I pricing provisions to update the base years of the various components of the formula index, to change the seasonality of such components, and to relate the Class I price to Class I prices in other Federally regulated marketing areas and to the value of milk for manufacturing uses. Also, to add a supply-demand adjuster provision to the Wilmington order.

2. Revision under the Wilmington order of the Class I, Class II, and producer butterfat differentials and the basic butterfat test of milk to which the established minimum prices apply.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing including the reopened hearing and the record thereof:

Issue No. 1. The Philadelphia, Pennsylvania, and the Wilmington, Delaware, orders should be amended to (1) update the base period used in the components of the Class I formula index, (2) revise the seasonal adjustment of various components of the formula index, (3) revise the index of Class I sales, (4) change the Class I price schedule, (5) revise the supply-demand adjustment mechanism and include such a provision under the Wilmington order, and (6) add a provision limiting the level of the Class I prices under the Philadelphia and Wilmington orders in relation to the Midwestern manufacturing milk prices.

The Class I prices under the Philadelphia and Wilmington orders are currently determined by an economic-type formula initially adopted under the Philadelphia order on April 1, 1951. The formula was incorporated in the Wilmington order when that order was issued on June 1, 1956. The Wilmington order, however, provides for a basic price 15 cents less than the Philadelphia Class I price and no supply-demand factor is applicable. Class I prices under each

order are established on a quarterly basis and, exclusive of movements in the formula index, the price decreases seasonally 40 cents on January 1 and April 1 and increases 40 cents on July 1 and October 1.

Since the formula was initially adopted it has been modified to accommodate changes made in the reporting of various components of the formula index and other provisions of the order. Specifically, the Philadelphia order was amended on June 11, 1952, to include the United States wholesale commodity price index as revised to a 1947-49 base period by the Bureau of Labor Statistics, United States Department of Labor. The Class I price schedule under the Philadelphia order was further amended effective on February 1, 1958, to reflect the change from pricing milk on 4.0 percent butterfat content to 3.7 percent butterfat content. Also, determinations have been necessary for both orders on several occasions resulting from a change in method of calculating the index of prices received by Pennsylvania farmers for farm products except dairy.

Proponents for revision of the Class I pricing provisions suggested that under the diverse economic conditions which have existed during the period from 1951 to 1959, the pricing formula has generally provided appropriate prices. They pointed out, however, that movements of the formula index in response to inappropriate seasonal adjustments in several of the formula components are disrupting the intended seasonality of pricing. They further suggested that during the past two years the Class I price resulting from the formula has been unduly low in relation to prices in surrounding fluid markets. It was proposed that these alleged defects be corrected by revision of the seasonality in three of the component indexes, adjustment of the Class I sales index to include sales from fluid milk plants under the Wilmington order and revision of the "bracket" system by which the formula index is related to a specific price schedule. It was further proposed that, as an attendant change, the base period be updated.

The seasonality of Midwestern condensery prices and Class I sales has changed since the adoption of the formula in 1951. There is no longer any significant seasonality reflected in the index of prices received by Pennsylvania farmers for farm products except dairy. The computed seasonal change for the period July 1956 to June 1959, indicates a variation of only 1.4 points, whereas under the present order the variation in seasonal adjustment provided is 8 points. In line with proponent's recommendations, it is concluded that the seasonal adjustment of this index should be discontinued. It is further concluded that seasonal adjustment of the indexes of Midwestern condensery prices and Class I sales should be revised to reflect seasonal variation characteristic in recent years. These changes will contribute to assuring intended seasonal changes in the Class I price prior to the recommended "tie-in" and supply-de-

mand provisions discussed in subsequent findings and conclusions.

The Class I sales index has been one of the dominant components in movements of the pricing formula. Notwithstanding the institution of regulation in Wilmington on June 1, 1956, extension of the Philadelphia marketing area in 1958, and more recently, consolidation by certain handlers of their Philadelphia and Wilmington operations, the Class I sales index reflects a direct comparison of the volume of specified current sales by Philadelphia handlers with the volume of such sales in a base period (1936-40) preceding these changes. Modification of this index is essential to maintain the validity of the pricing formula. To avoid ambiguity which might attach to the term "Class I sales", the term "Class I disposition" should be used instead.

The Class I disposition index should be revised to include Class I disposition by regulated plants under the Philadelphia and Wilmington orders. Proponents, while recommending an expansion to include Wilmington order Class I disposition, contended that in-area disposition and only specified outside-area disposition should be included. They stated that out-of-area disposition other than to New Jersey and Delaware, and disposition outside the marketing areas by handlers having Class I disposition in the marketing areas of less than 5 percent of their total Class I milk, both tend to fluctuate to an extent that their inclusion results in erratic movements in the index.

The exclusion of outside disposition (on routes or otherwise) of handlers with less than 5 percent of their route disposition in the marketing areas will be some protection against fluctuations of the index due to erratic changes in out-of-area disposition. Adoption of this provision makes unnecessary the provision in the recommended decision of March 29, 1960, which would have excluded plants not regulated under the orders during the 3 months ending with the second month preceding the quarter for which prices are established. The provision would apply to plants distributing milk on routes in the marketing areas.

In view of producers' exceptions asking for the continued use of the weekly figures of the wholesale price index rather than the monthly figure so that the date of price announcement might continue to be on the 15th of the month and in view of the apparent close agreement between the weekly and monthly figures, it is concluded that the weekly figures should continue to be used.

The proposed revisions to a 1957-1958 base period can be achieved by using as "base quantities" the following:

United States wholesale commodity price index, 118.3; prices paid by Pennsylvania farmers for mixed dairy feed, \$3.896; index of prices received by Pennsylvania farmers for farm products except dairy, 210.3; prices paid by Midwestern condenseries, \$3.0673; and the average daily Class I sales of 2.9476 million pounds under Order Nos. 61 and 110.

Under the present orders, the formula index is based primarily on data reported for the one month immediately preceding the date of announcing Class I prices for the next quarter. Thus, the conditions reflecting one-month data determine the price for three months. Interested parties at the hearing recommended using Class I disposition data for the three months preceding the date of price announcement so as to minimize the effect that the varying number of days in a month has on the average daily figure used to compute the Class I disposition index.

It is appropriate under the quarterly pricing system to reflect quarterly changes in the components of the index by including the data for three months. Therefore, it is concluded that data for the five components of the formula index for three months be used in determining such index.

One of the major reasons that proponents offered for changing the level of Class I prices was to correct the abnormal seasonal changes in Class I prices that occurred during 1958 and 1959.

The Class I prices, both in 1958 and in 1959, decreased 20 cents rather than 40 cents from the first to the second quarter and increased 20 cents rather than 40 cents from the third to the fourth quarter. The intended seasonal changes between quarters are in 40-cent intervals. These recommended intervals can be achieved by revising the Class I price schedule to accommodate both the revised formula index and the proposed seasonal changes.

The level of the Class I prices under these orders should be related to all supply and demand conditions affecting the respective market. Some of these conditions are reflected in the various formula factors already discussed. It is possible, and to be expected, that occasionally other influences not reflected in the formula indexes will be important factors in the supply-demand situation. Such factors may include changes of a fundamental nature in the supply-demand situations in neighboring markets. Beyond such more immediate relationships, there is need to recognize inter-regional relationships. The importance of such inter-regional relationships as well as relationships to nearby markets is augmented by the increased efficiency of modern milk transportation methods. For this reason, it is necessary to anticipate a greater sensitivity in competitive relationships among milk supplies normally associated with separate markets.

Official notice is taken of the Class I prices and market statistics announced for the Philadelphia, Wilmington, Washington, D.C., Upper Chesapeake Bay and New York-New Jersey markets for periods referred to herein, including the months intervening since the hearing.

During the entire period since the Class I pricing formula was installed in 1951, the Philadelphia market has been served by an adequate supply. Also, the level of supply in relation to Class I disposition has resulted in a percentage of producer milk in Class I on an annual average marketwide basis which has

varied in only a narrow range. In 1951 the weighted average percentages of producer milk used in Class I was 76.1. In following years the annual average utilization continued within 1 percent of this figure until 1955, when the percentage was 74.1, and continued very close to the 1955 level through 1958. In 1959, the annual average percentage was 74.3, although there was a discernible change in the relation of supply to sales in the latter part of the year.

Part of the Class I milk utilization of Philadelphia handlers is sales of Order 61 milk in the Wilmington marketing area. In recent years an increased portion of the Wilmington market has been so served. The portion of the market served by farmers who are producers under the Wilmington order, however, has continued to provide a relatively high utilization outlet for such producers. On an annual average basis, Wilmington producer milk was 83 percent Class I in 1957, 90 percent in 1958 and 92 percent in 1959. The weighted average percentages for the combined markets were 74.9 percent in 1957, 76.4 in 1958 and 75.2 percent in 1959.

During the latter part of 1959, production for the Philadelphia market increased substantially both in relation to the previous year and in relation to Class I disposition. Production at a level higher than a year earlier continued through the first half of 1960. In July and August 1960, however, the percentage of producer milk used in Class I was about the same as the year earlier, and in September 1960 it was higher than the year before.

Under Order No. 61 the annual average Class I prices in 1957, 1958 and 1959 were \$5.49, \$5.59 and \$5.59, respectively, for milk of 3.7 percent butterfat content. Prices effective or announced for the four calendar quarters in 1960 also would produce an annual average of \$5.59. Class I prices under the Wilmington order have been 15 cents less (for milk of 3.7 percent butterfat test) than Philadelphia order prices.

In the nearby markets of Upper Chesapeake Bay and Washington, D.C., which recently became regulated, Class I prices (for 3.7 milk f.o.b. the market) have been established to yield an annual average price of approximately \$5.56. The New York-New Jersey Class I-A price for the years 1957, 1958 and 1959 averaged \$5.72, \$5.67 and \$5.72, respectively (for 3.7 milk in the 201-210 mile zone). Since the present formula became fully effective in 1952 the Philadelphia f.o.b. market Class I price on an annual basis has averaged approximately 13 cents over the New York-New Jersey Class I-A (201-210 mile zone). This price difference ranged from 51 cents over the New York-New Jersey Class I-A price in 1952 to 23 cents under that price in 1957. In the two years 1958 and 1959, the New York-New Jersey Class I-A price has exceeded the Order No. 61 price by an average of approximately 10 cents.

Based on the above considerations, it is concluded that the Philadelphia order prices in recent years generally have been in conformance with a reasonable balance of supply-demand. It is concluded

that the continuation of the annual average level of Class I price which has been effective under the order for the three years 1958-1960 would be an appropriate method of maintaining a balance of local supply and demand conditions and a reasonable relationship to other markets for the immediate future.

Exceptions received to the prior recommended decision of March 29, 1960 from producers and from some handlers raised objections to the proposed "tie-in" of the Philadelphia and Wilmington Class I prices to the Class I-A price under the New York-New Jersey Federal order. These objections were critical particularly of the relative levels of the prices under the Philadelphia and New York-New Jersey orders which would result from the tie-in, and of the procedural aspect that there could be changes in the level of prices under the Philadelphia and Wilmington orders as a result of amendments to the New York-New Jersey order.

It is important, however, to provide some safeguard in the Philadelphia and Wilmington orders to limit the action of the Class I price formulas to a range which will maintain reasonable co-ordination of prices on an inter-regional basis. Relating the Class I prices under these orders to Midwest condensery prices which are used as part of the basic price in many of the Federal milk orders will achieve this purpose. It must be recognized that milk from any source meeting the quality requirements for the markets is part of the potential supply. Thus, it is important to consider the relation of prices under these orders to the level of prices in Midwest areas where large reserve supplies exist.

The average price paid by the group of condenseries, which is used in Midwestern order markets as part of the basic price, is reported by the United States Department of Agriculture on the basis of milk containing 3.5 percent butterfat. For purposes of comparison, the Philadelphia order Class I price, which is on a 3.7 butterfat test, should be converted to a price for 3.5 test. To eliminate the effects of seasonal variation and temporary variations of a random nature, the comparison is made with 12-month average of the condensery prices for the period ending with the second month preceding the calendar quarter for which the Class I price is established.

A review of the relationship which has existed during the period in which the Class I formula has been in operation shows differences of the Philadelphia Class I price over the condensery price ranging from about \$2.00 in the earliest period to \$2.55 in early 1959. Since 1952 the average of the Midwest condensery price has declined from the annual level of \$3.80 to \$3.02 in 1959, with a somewhat higher level indicated for 1960. The annual level of \$5.59 for the Philadelphia Class I price contemplated in this action would correspond to approximately \$5.45 for milk of 3.5 percent butterfat content. This exceeds the 12-month average of condensery prices for the period ending with September 1960 by \$2.36.

It is necessary, considering the circumstances of adequate supply which have persisted in recent years under relatively stable price conditions, and in view of the need to maintain price relationships with other markets, that the condensery price tie-in be geared to a level of price close to the level contemplated for the market pursuant to this action. It is concluded that the so called "annual level" of the Philadelphia order Class I price, converted to a price for milk of 3.5 percent butterfat test, should not exceed the 12-month average condensery price by more than \$2.60. The application of this limitation under the bracket system would require that the price be adjusted, if adjustment under this limitation were called for, in multiples of 20 cents so that the resulting price would not exceed the condensery price by more than \$2.60.

It is intended that the 15-cent differential between the Philadelphia and Wilmington Class I prices shall be continued. It is necessary, therefore, that this 15-cent differential be reflected in the "tie-in" relationship to the condensery price. This can be done if the Wilmington price, prior to seasonal and supply-demand adjustment, is adjusted to a price bracket such that it does not exceed the 12-month average of the Midwestern condensery prices by more than \$2.45.

Relating the prices to the condensery price in the above stated manner will permit the seasonal price adjustment to operate. The recommended "tie-in" provision also will permit the supply-demand adjustment factor to operate freely to increase or decrease the price in response to changed local supply-demand conditions in the Philadelphia and Wilmington markets even though the price so adjusted might exceed the Midwestern manufacturing price by more than the amount indicated above.

Some changes in the bracketing system are adopted. The change to a new base period of 1957-58 for the composite formula index will reduce it a little more than half of the old index value. The average of the index values on the old base was 207.36 during the two years 1957-58. The amount of index equivalent to a 20-cent price change should, accordingly, be reduced from 7.8 units of index to 3.8 index units. The current level of index should be made to correspond to a current level of price by centering an index bracket at such current index value. Producers have asked that the existing system of intervals between brackets be retained. The effect of such intervals is that a price change does not occur if the index moves out of a bracket and into such interval, but not into the next index bracket. In the price schedules adopted herein, the range of each bracket is two units of index and the interval between brackets is 1.8 units of index. The bracket representing the current price under Order No. 61 of \$5.59 per hundredweight (annual basis) is centered at 100.

There was testimony that the supply-demand adjustment mechanism should be deleted from the Class I pricing formula on the grounds that the several components of the pricing formula tend

to reflect conditions of supply and demand and that the provision has not influenced the price since its adoption and, therefore, is not necessary. Nevertheless, retention of the provision is desirable and necessary to provide assurance that should supplies increase or decrease relative to Class I sales to the extent that the market is generally in short or in long supply, the Class I price will be adjusted to reflect such conditions. There is merit, however, for revision of the supply-demand provision under the Philadelphia order and for use of the same device in the Wilmington order.

Under the present Philadelphia order this provision would adjust the Class I price upward or downward in any quarter when supplies during the 12-month period ending with the second preceding month were less than 115 percent of Class I sales or more than 137 percent, respectively. It is herein proposed that Class I sales and producer receipts, respectively, of the Wilmington and Philadelphia orders be combined in measuring the change in supply-sales relationship.

In exceptions by producers it was claimed that changes in the make-up of the market and changes in the allocation provisions of the order have resulted in handlers carrying larger supplies of producer milk. A basis for estimating to what extent this may be true has not been found in the record. It is likely that, currently, the level of supplies carried by handlers has been affected by the general increase in production per farm which has occurred in recent years. It is concluded, however, that the current supply-demand situation in the market does not call for a price adjustment from the level established by the modified formula index. On the other hand, it is clear that any substantial increase in the supply-sales ratio would justify a downward price adjustment. In this respect it is observed that although in recent months the supply-demand percentage for the Philadelphia market has exceeded 137, it may be estimated that inclusion of the Wilmington data will result in a current percentage less than 137.

The present standard percentages should be modified to provide a downward price adjustment of 20 cents per hundredweight if the supply-sales ratio exceeds 137 percent, and an additional downward adjustment of 20 cents if the ratio exceeds 140 percent. Price adjustments intended as a response to a short supply situation should similarly be in two steps. The standard percentages used for this purpose should be more in conformance with market experience than the present standard of 115 percent. The price should be adjusted upward 20 cents per hundredweight if the supply-sales ratio is less than 129 percent, and upward an additional 20 cents if the ratio is less than 126 percent. Although the higher of these percentages is slightly more than some of the percentages which resulted from the computations made under the order prior to 1955, some recognition is given here to the likelihood that when the market is relatively short, changes in market

practices and changes in the order provisions referred to by producers which have taken place since such earlier periods may result in handlers carrying slightly more reserve in their own plants. This method of price adjustment in two steps of 20 cents each will permit a smoother readjustment of production to demand. The same adjustment should apply in both the Philadelphia and Wilmington markets.

Under the present Philadelphia order, receipts of plants which were not regulated during three consecutive months are not included in the computation of the receipts and sales percentages under the supply-demand provisions. This requirement was intended to exclude plants which are not associated in a major way with the market. It is concluded, however, that such a provision is not practical in light of the possible shifts by a handler of producers and sales from one of his plants to another. In some cases where one of these plants might come under the three-month exclusion provision (or under any similar provision) the result of such exclusion could cause as much distortion in the supply-sales ratio as the provision may be intended to correct in other instances. Accordingly, the data to be included in the 12-month percentage should include producer receipts and Class I disposition at all producer milk plants (Order No. 61) and fluid milk plants (Order No. 110), excluding any duplication as the result of inter-order or inter-plant transactions.

It is provided also that the various formula index factors and supply-demand utilization percentages will be computed and announced for each month.

Issue No. 2. Revision should be made in Class I, Class II and producer butterfat differentials as part of the procedure of establishing prices for milk on the basis of 3.7 percent butterfat content under the Wilmington order as in the Philadelphia order.

In view of the increasing inter-relationship of the Wilmington and Philadelphia markets in recent years, it is desirable that both markets use the same butterfat differentials and the same basic tests. At the time the Wilmington order was issued milk under both orders was priced at the same basic 4.0 percent test. Subsequently, on February 1, 1958, the Philadelphia order was amended to provide for pricing milk on the basis of 3.7 percent butterfat. It is concluded, therefore, that milk should be priced under the Wilmington order on the basis of 3.7 percent butterfat content. Moreover, the Class I, Class II and producer butterfat differentials should be the same under both orders. The Class I price schedule in the Wilmington order should be revised to maintain the price 15 cents below the Philadelphia Class I price.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the

PROPOSED RULE MAKING

extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this recommended decision; each of the exceptions received to the prior recommended decision was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this recommended decision.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions with respect to the Philadelphia, Pennsylvania, marketing area may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 961.22 [Amendment]

1. In § 961.22(j) delete the word "and" at the end of subparagraph (4), change

the period at the end of subparagraph (5) to a semicolon and add the word "and" and add a new subparagraph as follows:

(6) The 15th day of each month, the indexes computed pursuant to § 961.50 (a) (1) for the preceding month, the 12-month average of condensery prices for the period ending with the preceding month calculated in the manner described in § 961.50(a) (3), and the 12-month percentage utilization factor for the period ending with the preceding month calculated in the manner described in § 961.50(a) (4) and (5).

§ 961.50 [Amendment]

2. Delete § 961.50(a) and substitute therefor the following:

(a) **Class I milk.** For each month in each calendar quarter the price per hundredweight of Class I milk shall be the price computed for such quarter pursuant to subparagraphs (1) through (5) of this paragraph.

(1) Compute the indexes set forth in subdivisions (i) through (v) of this subparagraph for the 2d, 3d and 4th months preceding the first month of the pricing quarter and divide the sum of these indexes by 15. The result shall be the formula index.

(i) Compute an index of wholesale commodity prices, using a 1957-1958 base period, by dividing by 1.183, the average of the four latest weekly index figures (those available on the 15th day of the following month) of wholesale commodity prices as reported on a 1947-1949 base by the Bureau of Labor Statistics, United States Department of Labor.

(ii) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1957-1958 base period, by dividing by 0.03896 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service.

(iii) Compute an index of prices received by Pennsylvania farmers for farm products except dairy, using a 1957-1958 base period, by dividing by 2.103 the monthly index published by the Pennsylvania Federal-State Crop Reporting Service.

(iv) Compute an index of prices paid for milk by selected Midwestern condenseries, using a 1957-1958 base period, by dividing by 0.030673 the monthly average prices paid by the following selected Midwestern condenseries;

COMPANY AND LOCATION

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

as reported by the United States Department of Agriculture, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for such month:

January -----	1.027	July -----	0.974
February -----	1.023	August -----	.986
March -----	1.011	September -----	.999
April -----	.981	October -----	1.015
May -----	.968	November -----	1.022
June -----	.968	December -----	1.026

(v) Compute an index of average daily pounds of Class I milk disposition under Order No. 61 and Order No. 110, using a 1957-1958 base period, by dividing by 29,476 the daily average for the month of pounds of Class I milk disposition by producer milk plants under Order No. 61 and fluid milk plants under Order No. 110, excluding Class I milk disposition (on routes or otherwise) outside the marketing areas by any handler whose Class I disposition on routes in the marketing areas is less than 5.0 percent of his total Class I route disposition, and excluding any duplication because of disposition between plants, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for the month:

January -----	1.009	July -----	0.946
February -----	1.023	August -----	.949
March -----	1.011	September -----	1.020
April -----	1.025	October -----	1.046
May -----	1.010	November -----	1.005
June -----	.966	December -----	.990

(2) Subject to the conditions set forth in subparagraphs (3), (4) and (5) of this paragraph the Class I price shall be that price indicated for the pricing quarter in the following Class I price schedule in the line corresponding to the bracket in which the formula index computed pursuant to subparagraph (1) falls, or if such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter.

CLASS I PRICE SCHEDULE
[Price per hundredweight]

Formula index	1st Quarter (January, February, March)	2d Quarter (April, May, June)	3d Quarter (July, August, September)	4th Quarter (October, November, December)
At least but less than—				
80.0-82.0	4.59	4.19	4.59	4.99
83.8-85.8	4.79	4.39	4.79	5.19
87.6-89.6	4.99	4.59	4.99	5.39
91.4-93.4	5.19	4.79	5.19	5.59
95.2-97.2	5.39	4.99	5.39	5.79
99.0-101.0	5.59	5.19	5.59	5.99
102.8-104.8	5.79	5.39	5.79	6.19
106.6-108.6	5.99	5.59	5.99	6.39
110.4-112.4	6.19	5.79	6.19	6.59
114.2-116.2	6.39	5.99	6.39	6.79
118.0-120.0	6.59	6.19	6.59	6.99

¹ If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

(3) If the annual level of the price for any calendar quarter (the price indicated for the first and third quarters for the bracket in which the formula index computed pursuant to subparagraph (1) falls) adjusted to a price for milk of 3.5 percent butterfat content (using the Class I butterfat differential computed for the second month preceding the quarter, pursuant to § 961.51) is greater than \$2.60 over the simple average of prices of selected Midwestern condenseries (identified in subparagraph (1) of this paragraph) as reported by the United States Department of Agriculture for the 12-month period ending with the second month preceding the quarter for milk of 3.5 percent butterfat, the Class I price for such quarter shall be adjusted downward (in multiples of 20 cents) to a price so adjusted which will be within such \$2.60 variance.

(4) For each month of any calendar quarter the Class I price shall be 20 cents more per hundredweight than the price prescribed in subparagraph (2) of this paragraph, adjusted pursuant to subparagraph (3) of this paragraph, if receipts of milk from producers at producer milk plants under Order No. 61 and fluid milk plants under Order No. 110 during the 12-month period ending with the second preceding month are less than 129 percent of total Class I disposition by such plants in the same period, (excluding any duplication because of disposition between plants), and shall be an additional 20 cents more if the percentage of such receipts to such disposition is less than 126: *Provided*, That the price adjustment pursuant to this subparagraph shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year plus 80 cents.

(5) For each month of any calendar quarter the Class I price shall be 20 cents less per hundredweight than the price prescribed in subparagraph (2) of this paragraph, adjusted pursuant to subparagraph (3) of this paragraph, if receipts of milk from producers at producer milk plants under Order No. 61 and fluid milk plants under Order No. 110 during the 12-month period ending with the second preceding month are more than 137 percent of total Class I disposition by such plants in the same period (excluding any duplication because of disposition between plants), and shall be an additional 20 cents less if the percentage of such receipts to such disposition is more than 140: *Provided*, That the price adjustment pursuant to this subparagraph shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year less 80 cents.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Wilmington, Delaware, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions with respect to the Wilmington, Delaware, marketing area may be carried out: The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 1010.22 [Amendment]

1. In § 1010.22(j) delete the word "and" at the end of subparagraph (2), and add a new subparagraph as follows:

(3) The 15th day of each month, the indexes computed pursuant to § 1010.50 (a) (1) for the preceding month, the 12-month average of condenser prices for the period ending with the preceding month calculated in the manner described in § 1010.50(a) (3), and the 12-month percentage utilization factor for the period ending with the preceding month calculated in the manner described in § 1010.50(a) (4) and (5).

§ 1010.50 [Amendment]

2. Delete § 1010.50(a) and substitute therefor the following:

(a) *Class I milk.* For each month in each calendar quarter the price per hundredweight of Class I milk shall be the price computed for such quarter pursuant to subparagraphs (1) through (5) of this paragraph.

(1) Compute the indexes set forth in subdivisions (i) through (v) of this subparagraph for the 2d, 3d and 4th months preceding the first month of the pricing quarter and divide the sum of these indexes by 15. The result shall be the formula index.

(i) Compute an index of wholesale commodity prices, using a 1957-1958 base period, by dividing by 1.183, the average of the four latest weekly index figures (those available on the 15th day of the following month) of wholesale commodity prices as reported on a 1947-1949 base by the Bureau of Labor Statistics, United States Department of Labor.

(ii) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1957-1958 base period, by dividing by 0.03896 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service.

(iii) Compute an index of prices received by Pennsylvania farmers for farm products except dairy, using a 1957-1958 base period, by dividing by 2.103 the monthly index published by the Penn-

sylvania Federal-State Crop Reporting Service.

(iv) Compute an index of prices paid for milk by selected Midwestern condenseries, using a 1957-1958 base period, by dividing by 0.030673 the monthly average prices paid by the following selected Midwestern condenseries

COMPANY AND LOCATION

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

as reported by the United States Department of Agriculture, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for such month:

January -----	1.027	July -----	0.974
February -----	1.023	August -----	.986
March -----	1.011	September ----	.999
April -----	.981	October -----	1.015
May -----	.968	November -----	1.022
June -----	.968	December -----	1.026

(v) Compute an index of average daily pounds of Class I milk disposition under Order No. 61 and Order No. 110, using a 1957-1958 base period, by dividing by 29,476 the daily average for the month of pounds of Class I milk disposition by producer milk plants under Order No. 61 and fluid milk plants under Order No. 110, excluding Class I milk disposition (on routes or otherwise) outside the marketing areas by any handler whose Class I disposition on routes in the marketing areas is less than 5.0 percent of his total Class I route disposition and excluding any duplication because of disposition between plants, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for the month:

January -----	1.009	July -----	0.946
February -----	1.023	August -----	.949
March -----	1.011	September --	1.020
April -----	1.025	October -----	1.046
May -----	1.010	November -----	1.005
June -----	.966	December -----	.990

(2) Subject to the conditions set forth in subparagraphs (3), (4), and (5) of this paragraph the Class I price shall be that price indicated for the pricing quarter in the following Class I price schedule in the line corresponding to the bracket in which the formula index computed pursuant to subparagraph (1) falls, or if such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter.

PROPOSED RULE MAKING

CLASS I PRICE SCHEDULE
[Price per hundredweight]

Formula index	1st Quarter (January, February, March)	2d Quarter (April, May, June)	3d Quarter (July, August, September)	4th Quarter (October, November, December)
At least but less than—				
80.0-82.0	4.44	4.04	4.44	4.84
83.8-85.8	4.64	4.24	4.64	5.04
87.6-89.6	4.84	4.44	4.84	5.24
91.4-93.4	5.04	4.64	5.04	5.44
95.2-97.2	5.24	4.84	5.24	5.64
99.0-101.0	5.44	5.04	5.44	5.84
102.8-104.8	5.64	5.24	5.64	6.04
106.6-108.6	5.84	5.44	5.84	6.24
110.4-112.4	6.04	5.64	6.04	6.44
114.2-116.2	6.24	5.84	6.24	6.64
118.0-120.0	6.44	6.04	6.44	6.84

¹ If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

(3) If the annual level of the price for any calendar quarter (the price indicated for the first and third quarters for the bracket in which the formula index computed pursuant to subparagraph (1) falls) adjusted to a price for milk of 3.5 percent butterfat content (using the Class I butterfat differential computed for the second month preceding the quarter, pursuant to § 1010.51) is greater than \$2.45 over the simple average of prices of selected Midwestern condenseries (identified in subparagraph (1) of this paragraph) as reported by the United States Department of Agriculture for the 12-month period ending with the second month preceding the quarter for milk of 3.5 percent, the Class I price for such quarter shall be adjusted downward (in multiples of 20 cents) to a price so adjusted which will be within such \$2.45 variance.

(4) For each month of any calendar quarter the Class I price shall be 20 cents more per hundredweight than the price prescribed in subparagraph (2) of this paragraph, adjusted pursuant to subparagraph (3) of this paragraph, if receipts of milk from producers at producer milk plants under Order No. 61 and fluid milk plants under Order No. 110 during the 12-month period ending with the second preceding month are less than 129 percent of total Class I disposition by such plants in the same period (excluding any duplication because of disposition between plants), and shall be an additional 20 cents more if the percentage of such receipts to such disposition is less than 126: *Provided*, That the price adjustment pursuant to this subparagraph shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year plus 80 cents.

(5) For each month of any calendar quarter the Class I price shall be 20 cents less per hundredweight than the price prescribed in subparagraph (2) of this paragraph, adjusted pursuant to subparagraph (3) of this paragraph, if receipts of milk from producers at producer milk plants under Order No. 61 and fluid milk plants under Order No. 110 during the 12-month period ending with the second preceding month are more than 137 percent of total Class I

disposition by such plants in the same period (excluding any duplication because of disposition between plants), and shall be an additional 20 cents less if the percentage of such receipts to such disposition is more than 140: *Provided*, That the price adjustment pursuant to this subparagraph shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year less 80 cents.

§ 1010.50 [Amendment]

3. Delete § 1010.50(b)(1) and substitute therefor the following:

(b) (1) *Butterfat*. Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract \$2.00 and divide by 9.19: *Provided*, That such butterfat value shall not be less than 3.7 times 120 percent of the average of the daily wholesale selling price for Grade A (92-score) butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 18.0 cents.

§ 1010.51 [Deletion]

4. Delete § 1010.51 and substitute therefor the following:

§ 1010.51 Butterfat differential to handlers.

For milk containing more or less than 3.7 percent butterfat, the class prices for the month, calculated pursuant to § 1010.50, shall be increased or decreased, respectively, for each one-tenth of 1.0 percent variation in butterfat content by the amount calculated pursuant to § 1010.50(b)(1) divided by 37 and rounded to the nearest one-tenth cent.

5. Delete "4.0 percent" in §§ 1010.50 and 1010.71 (b) and (d), and substitute therefor "3.7 percent".

§ 1010.81 [Deletion]

6. Delete § 1010.81 and substitute therefor the following:

§ 1010.81 Butterfat differential to producers.

The applicable uniform prices to be paid each producer pursuant to § 1010.80 shall be increased or decreased, for each one-tenth of 1.0 percent which the average butterfat content of his milk is above or below 3.7 percent, respectively, at a rate determined by dividing by 37 the butterfat value computed pursuant to § 1010.50(b)(1) and rounded to the nearest full cent.

Issued at Washington, D.C., this 14th day of November 1960.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 60-10727; Filed, Nov. 16, 1960; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11907]

[14 CFR Part 295]

TRANSATLANTIC CHARTER TRIPS

Notice of Proposed Rule Making

NOVEMBER 14, 1960.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments of Part 295 of its Economic Regulations to eliminate the requirement of prior Board authorization or approval of transatlantic passenger charter flights falling within the scope of this regulation.

This regulation is proposed under the authority of sections 204(a) and 416 of the Federal Aviation Act of 1958 (72 Stat. 743 and 771; 49 U.S.C. 1324 and 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before December 16, 1960, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on and after December 16, 1960, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

Explanatory statement. There are now three classes of air carriers which provide the bulk of transatlantic passenger charter service. These are the United States flag route carriers which are certificated to carry passengers across the Atlantic, certain foreign air carriers, and the United States supplemental and cargo carriers. Prior to 1955, only the first two classes were available to provide charter service for the traveling public. In that year, the Board issued a new policy—called the Transatlantic Charter Policy—which

gave rise to a new category of carriers which provide additional charter service. In adopting a policy of granting individual exemptions to the supplemental air carriers and the certificated cargo route carriers for transatlantic charter service, the Board was moved in part by indications that during the peak travel season, it was difficult if not impossible to obtain an aircraft charter. Since adoption of the Charter Policy, there has been a substantial and sustained growth in the use of charter service in which this new class of carrier has played a substantial part.¹

For example, in 1957, there were 524 one-way transatlantic charter flights carrying approximately 38,700 people during the charter season April 1 through September 30. In the current year comparable figures are 1,532 one-way flights carrying approximately 129,600 people. The growth of charter service has more than kept pace with normal traffic growth. Since 1957 charter traffic itself has been growing at a rate which is believed to approach 50 percent each year. During this same period, individually-ticketed traffic across the Atlantic has also increased rapidly—its growth rate exceeds 20 percent annually. In 1957, we estimate that charter flights carried about 6½ percent of the total transatlantic traffic in the April–September period; in 1960, the figure exceeded 11 percent.

The Board has had as its major objective the development of the large potential mass international travel market in the United States without undue diversion from the United States and foreign flag operators, and in particular from their regularly-scheduled, individually-ticketed services. In furtherance of this objective, the Board has from time to time redefined the standards for charter eligibility and established appropriate administrative techniques to inform the public and to obtain their compliance in order to assure the performance of the flight by the carrier and the obtaining of necessary foreign landing rights therefor. Thus, in 1957, we amplified the general criteria for charter eligibility which we followed in 1955 and 1956. These criteria were largely those that had previously been developed by the carriers and the Board, and which were embodied in IATA Resolution 045, the requirements established by the national flag route operators for their own operations. In 1958, we adapted these standards to specific criteria more susceptible of precise application which have since been the cornerstone of our policy. And in 1959, we embodied them with minor modification in an Economic Regulation (Part 295), giving them greater stability and legal effect than theretofore. In 1959, we also concluded the Foreign Off-Route Charter Investigation, Docket 7173, in which foreign air carriers were for the first time authorized to perform off-route charters in air transportation. In addition to amending their permits to provide this authority, we promulgated a new Economic

Regulation (Part 212) establishing as guides for issuance of a charter authorization standards similar to those in Part 295. In 1960, after the IATA carriers had finally undertaken, upon our request, to provide more definitive and enforceable standards for their own operations, we undertook to modify Parts 295 and 212 in order to conform our requirements in substantial respects to those now provided in IATA Resolution 045.² Consequently, at the present time charter requirements for all classes of carriers are substantially similar.

During the developmental period of this program, the Board has considered it necessary and desirable to retain power to disapprove individual charter flights arranged by the supplemental and certificated cargo route carriers. Basically, we have been concerned that there not unwittingly develop any such wide-scale violation of appropriate charter requirements as would lead to a breakdown in the proper distinction between charter and individually-ticketed service, and thus have a serious adverse effect on the operations of the regularly scheduled services.³ It now appears to the Board that standards for charter eligibility are sufficiently precise and understandable as to preclude inadvertent violations on any wholesale basis. Under such circumstances, the Board no longer believes that this reason warrants retention of the requirement for approval of individual charter flights.

As we have heretofore noted, there has been a substantial and sustained growth of transatlantic charter traffic by all classes of carriers participating in it. However, even in the recent summer season when the supply of aircraft for charters was substantially increased as a result of the jet reequipment program and the availability of otherwise idle piston aircraft capacity, there was no apparent oversupply of charter service. In fact, the contrary appeared to be the case.⁴ Recognition must be given to the fact that the route carriers may over the long run find it uneconomic to maintain appropriate facilities to operate piston aircraft merely to serve a seasonal charter market. And as a practical matter, jet capacity and costs may be such as to affect substantially the potential of jet aircraft for charter service. Under all these circumstances, it appears to be in the public interest for the Board to set down for hearing an investigation into whether the public convenience and

necessity require the authorization, by certification or otherwise, of one or more carriers to provide transatlantic passenger charter service.

Pending a final determination in this proceeding, we could as a matter of policy continue our current policy of authorizing each charter flight by granting a special exemption order. However, as we have previously noted, we are now satisfied that retention of the power to disapprove individual charter flights—which is the principal substantive purpose of this procedure—is no longer administratively necessary. Moreover, we are concerned that the economic and administrative burden which this procedure imposes on the relatively small carriers which participate in this activity is so substantial and disproportionate as to greatly handicap them in their ability to operate these services profitably. In this connection, the Board notes that the identity of carriers participating in this traffic has shifted from year to year. In prior years, the certificated cargo carriers were major factors in the market; in recent years their efforts have greatly diminished. Again, supplementals which in the last season were among the larger participants had either not participated in the market before or only in token amounts. In this connection, we have been advised that both the cost of processing applications for approval of individual charter flights and the disadvantage of adherence to a procedure not required of competitors⁵ have been substantial factors in causing withdrawal from the market of seemingly successful operators. Further, we recognize that at best the market is a highly seasonal one.⁶ Consequently, from an economic standpoint, its attractiveness is limited. Under these circumstances, relatively small impediments can loom as large factors in a decision to devote resources to it.

These are reasons which have led us to set this matter down for hearing and possible award of certificate authority to one or more carriers who would undertake on a sustained basis to meet such need as may exist for charter services additional to those provided by the regular route operators.⁷ They are also matters which, in our judgment, warrant our granting an exemption from the provisions of Section 401 of the Act, as is hereinafter detailed, pending a final determination in this proceeding.⁸

For the period beginning April 1, 1961, we propose issuing exemption orders limited in duration to no more than 180 days, authorizing the holder to conduct transatlantic charter service in accord-

² It was also necessary to impose as conditions to approval of Resolution 045 certain standards, especially with respect to travel agency participation in charters, which IATA had not provided for in the Resolution.

³ The Board does not believe that a carrier could successfully undertake deliberately to flout its requirements for charter eligibility without such fact becoming public knowledge and subjecting the violator to appropriate and effective sanctions.

⁴ One foreign flag carrier sought extraordinary relief from the limitations of Part 212 on off-route charters on the ground that the charterers would otherwise be unable to be accommodated. No carrier challenged this contention. Moreover, to our knowledge carriers which made a belated entry into the market had no difficulty in obtaining a substantial volume of charter business.

⁵ Neither the U.S. flag operators, nor the foreign flag operators for service over their route need request individual charter approval.

⁶ We, of course, recognize that the fluctuations in MATS' policy and its effect on the availability of backhauls affect the economy of charter service and the desirability of participation in this market.

⁷ Order E-16023, issued simultaneously herewith, instituting a Transatlantic Charter Investigation, Docket 11908.

⁸ Compare Transatlantic Cargo Case, 21 C.A.B. 671 (1955); Air Freight Case, 10 C.A.B. 572 (1949).

¹ It is questionable, however, whether the aircraft supply has ever met the service demand; it is still difficult to obtain aircraft charters in the peak direction or season.

ance with the requirements of Part 295 of the Economic Regulations. Such orders will be issued only to persons who are applicants for transatlantic charter authority, whose applications have been consolidated into the Transatlantic Charter Investigation, and who are actively prosecuting such applications. We shall also require each applicant to present for our consideration the scope of the charter service to be provided and the program employed to screen charters for proper compliance with Part 295. Each such application will, upon request, be subject to renewal pending final disposition of the investigation.

In order to accomplish this change the present provisions of Part 295 relating to application for operating authority and to reporting, which are geared to individual approval of each charter agreement, will require modification to reflect the new system of limited temporary blanket authorizations. Sections 295.13 and 295.40 which provide for applications for individual charter authority will be eliminated and replaced by new § 295.5 which contains the requirements for application for the new exemption authority. All provisions which relate to Board approval of specific aspects of charters not generally permitted under this part (such as §§ 295.33(a) and 295.35(b)(3)) are being omitted. The effect of this is that air carriers may not perform charters which do not comply with this part in every respect unless a waiver has been granted by the Board pursuant to § 295.3 of this part.

Similarly, § 295.17 which required individual post-flight reports to the Board is being eliminated. However, such information will have to be filed with the carrier by the travel agent and the chartering group as before. Insofar as Board requirements are concerned, the revised provisions of Part 295 will necessitate only the following report by the carrier within 15 days after the close of each month concerning charter trips operated during such month: (a) Date of trip; (b) Points served; (c) Number of round trip and one-way passengers; (d) Name of chartering organization; (e) Description of chartering organization disclosing basis for conclusion that group is bona fide; (f) Name of travel agent; (g) Basis for construction of tariff charge. These provisions will be found in new § 295.6 which also contains the necessary record retention requirements.

Proposed rule. It is proposed to amend Part 295 of the Board's Economic Regulations, 14 CFR Part 295, as amended:

§ 295.1 [Amendment]

1. By amending § 295.1 as follows:

a. Amend the first sentence of § 295.1 to read: "This part establishes the requirements governing applications for, and operations under, exemption orders authorizing, for periods up to 180 days, the performance of pro-rata and/or single entity charter flights for transatlantic passengers by United States flag air carriers other than carriers certificated to provide unlimited individually ticketed passenger service over designated routes."

b. Amend the next to last sentence of § 295.1 in part to read: "Operations under any such individual exemption authorizing the performance of transatlantic passenger charter flights shall be conducted * * *".

§ 295.2 [Amendment]

2. By amending the last two sentences of § 295.2(j) to read: "Presumptively persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans and unless they have actually been members for a minimum period of six months prior to the starting flight date. This presumption will not be applicable in the case of charters composed of (1) students and employees of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a formal academic study course abroad. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver."

§ 295.3 [Amendment]

3. By amending the first sentence of § 295.3 in part to read: "A waiver of any of the provisions of this regulation may be granted by the Board upon the submission by an air carrier of a written request therefor not less than 30 days prior to the flight to which it relates, provided such a waiver * * *".

4. By inserting new §§ 295.5 and 295.6 to read:

§ 295.5 Application for exemption authority.

Proceedings on applications for exemption authority pursuant to section 416(b) of the Federal Aviation Act of 1958 to conduct passenger charter flights (pro-rata and/or single entity charters) in foreign air transportation shall be governed by Rules 400 to 409¹ of Part 302 of the Board's procedural regulations, subject, however, to the following additional or different provisions:

(a) Applications may be filed only by air carriers which are applicants in good standing for transatlantic charter authority in Transatlantic Charter Investigation, Docket 11908, instituted by Board Order E-16023 of November 14, 1960.

(b) Applications for exemption authority shall be filed with the Board at least 60 days prior to the proposed first flight under such authority.

(c) The application shall state whether authority to fly pro-rata charters, or single entity charters, or both, is requested; the scope of the charter service to be provided; and the program to be employed for screening charters for proper compliance with Part 295.

(d) Copies of the application shall be served on each direct air carrier certificated to provide unlimited transatlantic passenger service.

¹ Sections 302.400 to 302.409.

§ 295.6 Reporting and record retention.

(a) Fifteen days after the end of each calendar month, each carrier holding operating authority pursuant to this Part shall file with the Board's Bureau of Air Operations a report setting forth the following information pertaining to each charter flight performed during said month pursuant to such authority:

- (1) Date of trip;
- (2) Points served;
- (3) Number of round-trip and one-way passengers;
- (4) Name of chartering organization;
- (5) Description of chartering organization disclosing basis for conclusion that the group is bona fide;
- (6) Name of travel agent; and
- (7) Basis for construction of tariff charge.

(b) Prior to performing any charter flight pursuant to this Part the carrier shall execute, and require the travel agent (if any) and charterer to execute, the form "Statement of Supporting Information."

(c) Air carriers holding operating authority pursuant to this Part shall preserve the following records for the periods specified below. Microfilms may be substituted for retention of the original records at any time.

Category of Records and Period To Be Retained

	Years
1. Every charter contract-----	2
2. Every "Statement of Supporting Information"-----	2
3. All post-flight reports and vouchers submitted therewith-----	2
4. All passenger manifests filed by charterers-----	2
5. Proof of the commission paid to any travel agent by the carrier-----	2

5. By amending the first sub-title of Subpart A to read: "Requirements Relating to Air Carriers."

6. By amending § 295.12 in part to read:

§ 295.12 Pre-trip notification.

Upon a charter flight date being reserved by the air carrier or its agent, the carrier shall provide the prospective charterer with a copy of the regulations of this part.¹ The charter contract shall include a provision * * * [Remainder as now contained in last sentence of Paragraph (c) 1].

§ 295.13 [Deletion]

7. By striking § 295.13.

§ 295.15 [Amendment]

8. By amending the first sentence of § 295.15(a) to read: "The total charter price and other terms of service rendered pursuant to authority granted under this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight, and the contract must be for the entire capacity of one or more aircraft."

9. By striking at the end of § 295.15 (c) the words "unless special or unusual circumstances are shown in the application for exemption authority and the Board approves thereof."

§ 295.16 [Amendment]

10. By amending § 295.16 by striking the second sentence which begins with the words "Proof of commission * * *".

§ 295.17 [Deletion]

11. By striking § 295.17.

12. By adding a new § 295.26 to read as follows:

§ 295.26 Statement of supporting information.

Travel agents shall execute, and furnish to air carriers Section A of Part II of the Statement of Supporting Information.

§ 295.33 [Amendment]

13. By striking the last sentence of § 295.33(a).

§ 295.34 [Amendment]

14. By amending § 295.34(b) by striking the words "whichever is authorized".

§ 295.35 [Amendment]

15. By amending § 295.35 as follows:
a. Amend paragraph (a) by striking the words "whichever is authorized".

b. Amend subparagraph (3) of paragraph (b) in part to read: "(3) *Bona fide* members of entities consisting only of persons from a study group, or a college campus, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger manifest * * *".

c. Amend paragraph (d) by striking the language following subparagraph (1) and inserting in lieu thereof: "was a bona fide member of the chartering organization at the time the chartering organization first gave notice to its members of firm charter plans, and will have been a member for at least six months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and employees of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, (4) is the spouse, dependent child, or parent of a person described herein before and lives in such person's household, or (5) is a bona fide participant in a charter composed of participants in a formal academic study course abroad.

(signature)

16. By adding a new § 295.36 to read:

§ 295.36 Statement of supporting information.

Charterers shall execute and furnish to air carriers section B of Part II of the Statement of Supporting Information.

§ 295.40 [Deletion]

17. By striking § 295.40.

§ 295.42 [Amendment]

18. By striking the words "set forth in the application" in § 295.42.

§ 295.43 [Amendment]

19. By striking the last sentence of § 295.43.

§ 295.60 [Amendment]

20. By amending § 295.60 in part by striking, at the beginning thereof, the words: "At any time prior to the filing of an application pursuant to this Part" and by adding to the second sentence thereof the words "in any subsequent proceeding in which the lawfulness of the respective charter may be in issue."

21. By amending the form presently entitled "Application for Authority to Conduct Transatlantic Passenger Charter Flights" as follows:

a. Strike the present title "Application for Authority to Conduct Transatlantic Passenger Charter Flights" so that the form remains entitled: "Statement of Supporting Information".

b. Strike in the line following the designation "Part I" the word "applicant".

c. Strike Paragraph "d" of Question 5.

d. Strike footnote 1 and references to it throughout the form.

e. Strike from Question 13 the sentence at the end thereof, beginning with the words "If the answer is 'yes' * * *".

f. Delete from Question 20 the sentence at the end thereof, beginning with the words "If the answer is 'no' * * *".

g. Strike from the line "Verification of air carrier applicant" the word "applicant".

h. Strike from the clause "(Signature and title of authorized official of air carrier applicant)" the word "applicant".

22. By amending the Form "Transatlantic Charter Post Flight Report" as follows:

a. Strike from the instructions the first sentence thereof, and insert in lieu thereof: "The charterer shall complete and file a report in this form with the air carrier within 15 days of each one-way or round-trip charter flight."

b. Strike Question 3.

[F.R. Doc. 60-10718; Filed, Nov. 16, 1960; 8:51 a.m.]

FEDERAL AVIATION AGENCY**[14 CFR Part 514]**

[Reg. Docket No. 566]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES**Liferafts**

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order. This Technical Standard Order will establish minimum performance standards for liferafts of nonreversible types to be used on civil aircraft of the United States, implementing Parts 3, 4b, 6, and 7 of the Civil Air Regulations.

Interested persons may participate in the making of the proposed rule by sub-

mitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before January 2, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.76:

§ 514.76 Liferafts (nonreversible)—TSO-C70.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum performance standards are hereby established for liferafts (nonreversible) which are required to be of an approved type to be eligible for use on civil aircraft of the United States. Nonreversible liferaft models manufactured on or after the effective date of this section shall meet the standards set forth in FAA Standard "Nonreversible Liferafts" dated September 26, 1960.

(b) *Marking*. The raft shall be permanently marked in accordance with the marking provisions of § 514.3 except for the following:

(1) The serial number of the raft need not be included.

(2) Include the rated and the overload capacity of the raft.

(3) Include the type of raft, i.e., Type I or Type II.

(c) *Data requirements*. (1) One copy each of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.:

(i) Packing instructions.

(ii) Operation instructions.

(iii) Assembly drawing.

(iv) Applicable limitations pertaining to installation of rafts on aircraft. These limitations shall include the minimum and maximum stowage area temperatures and any other limitations which will prevent the raft from performing its intended function and from complying with the minimum performance standards under all reasonably foreseeable emergency conditions. The raft manufacturer shall also provide the purchaser with such limitations.

(2) The manufacturer shall maintain a current file of complete design data.

(3) The manufacturer shall maintain a current file of complete data describ-

¹ Copies may be obtained upon request addressed to: Aeronautical Reference Branch, Correspondence Inquiry Section, MS-126, Federal Aviation Agency, Washington 25, D.C.

ing the inspection and test procedures applicable to his liferafts. (See paragraph (d) of this section.)

(d) *Quality control.* Liferafts shall be produced under a quality control system, established by the manufacturer, which will assure that each raft is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(3) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

Issued in Washington, D.C., on November 10, 1960.

GEORGE C. PRILL,
Acting Director, Bureau of
Flight Standards.

[F.R. Doc. 60-10677; Filed, Nov. 16, 1960;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 10]

[Docket No. 13851; FCC 60-1355]

INTERSYSTEM FREQUENCIES IN FIRE RADIO SERVICE

Relaxation of Frequency Coordination Requirement

In the matter of amendment of § 10.305(f) to relax the frequency coordination required of applicants seeking intersystem frequencies in the Fire Radio Service.

1. In the First Report and Order in Docket No. 13273 (25 F.R. 7156), July 28, 1960) the Commission, *inter alia*, made available the frequencies 45.88 Mc and 154.280 Mc for intersystem operations by licensees in the Fire Radio Service. It was the Commission's opinion that setting aside frequencies for this purpose would enable fire departments to intercommunicate for the purposes of coordination and cooperation, with a minimum amount of interference to normal base-mobile communications.

2. Since the two frequencies selected are split channels, the usual frequency coordination requirements were imposed; that is, applicants for one of these frequencies had to obtain the consent of all licensees located within 75 miles of the proposed station location who operated on a frequency within plus or minus 30 kc of the requested frequency. In the case of the frequency 154.280 Mc, the Commission endeavored to make this frequency more readily available by reserving the frequencies 15 kc on either side from assignment until November 1, 1963.

3. However, there have been preliminary indications that applicants desiring to obtain authorizations to operate on one of these frequencies have been experiencing undue difficulty in obtaining the requisite consent from licensees operating systems 20 kc or 30 kc from the intersystem frequency being sought.

Continuation of this situation would result in an inability on the part of many applicants to establish appropriate intersystem communications and would preclude sufficient usage of these frequencies.

4. Therefore, the Commission proposes to relax the normal frequency coordination requirements which apply to 30 kc channels generally and instead to treat these two intersystem frequencies as though they were primary channels. As such, the provisions of § 10.8(c) of the Commission's rules would be applicable. In the case of the frequency 154.280 Mc, which is located in a block of frequencies available to the Fire Radio Service, an appropriate letter from the frequency advisory committee would be sufficient. In the case of the frequency 45.88 Mc, which is located between frequencies available to the Police Radio Service, a letter from the frequency advisory committee and also that part of § 10.8(c) which requires notification to licensees operating on these police frequencies would govern. Since one of the adjacent frequencies, 45.86 Mc, is presently designated as a police intersystem frequency, it would appear that the Police and Fire users have a mutual basis for sound cooperation.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, and any person desiring to support this proposal, may file with the Commission on or before January 31, 1961, a written statement or brief setting forth his comments. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: November 8, 1960.

Released: November 14, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10703; Filed, Nov. 16, 1960;
8:49 a.m.]

[Docket Nos. 13273, 13754; FCC 60-1354]

[47 CFR Part 10]

PUBLIC SAFETY RADIO SERVICES

Further Notice of Proposed Rule Making

1. On October 20, 1960, the Commission adopted the Second Report and

Order in Docket No. 13273 (25 F.R. 10350, Oct. 28, 1960) wherein the Commission made available 5 frequencies in the 42-50 Mc band and 28 frequencies in the 152-162 Mc band to the various Public Safety Radio Services. The First Report and Order in this Docket, adopted July 20, 1960 (25 F.R. 7156, July 28, 1960) made available one 40 Mc frequency and 41 frequencies in the 152-162 Mc band to these services. The effect of these orders has been to dispose of all six of the frequencies in the 42-50 Mc band and 59 of the 69 frequencies in the 152-162 Mc band which were under consideration in the notice of proposed rule making in this Docket. The Commission originally proposed that the ten remaining frequencies were to be made available to the Highway Maintenance Radio Service. As a result of the comments filed, the Commission instead made five frequencies in the 40 Mc band available for this service. The Commission did, however, recognize that this service has a need for high-band frequencies also.

In order to accommodate the needs of the Local Government Radio Service, the Commission, in Docket No. 13754, issued a notice of proposed rule making to make available 16 frequencies in the 150.8-152 Mc band to the Local Government Radio Service. Eleven of these frequencies would be located between existing Forestry-Conservation channels and five between frequencies now available to the Highway Maintenance Radio Service.

2. The Commission has not completed its examination of the comments filed in response to its notice of proposed rule making in Docket No. 13754. However, a preliminary survey indicates considerable opposition by both Highway Maintenance and Forestry-Conservation users. While these groups do not contest the fact that the frequencies now available for the Local Government Radio Service are inadequate to meet present as well as future needs, they favor a solution which would satisfy these needs by making frequencies available to that service in other portions of the spectrum. It is their contention that wherever possible the Commission should seek to make frequencies available on a "block" basis, that is, that each service should be given its own split frequencies within any given band.

3. As was stated previously, it was the Commission's original proposal to make 10 frequencies available in the 152-162 Mc band for use by Highway Maintenance Radio licensees. It appears reasonable to substitute instead the 5 frequencies in the 150.8-152 Mc band which are located between existing Highway Maintenance assignments and which the Commission had proposed to make available to the Local Government Radio Service in Docket No. 13754. Coupled with the 40 Mc frequencies already made available, this should provide an adequate number of frequencies for the Highway Maintenance Radio Service. Conversely, the Commission now proposes that these 5 frequencies in the 152-162 Mc band originally intended for the Highway Maintenance Radio Service be made available to the Local Government Radio Service. The net effect of these

new proposals is merely to reverse the proposed frequency assignment for the Highway Maintenance and Local Government Radio Services.

4. The Commission is also proposing to make available the 5 remaining frequencies in the 152-162 Mc band to the Local Government Radio Service. This will give this service a total of 21 additional frequencies: eleven in the 150.8-152 Mc band and ten in the 152-162 Mc band. The Highway Maintenance Radio Service would still receive 5 high-band frequencies (in the 150.8-152 Mc band) in addition to the 5 frequencies in the 40 Mc band which were made available in the Second Report and Order in Docket No. 13273.

5. It should be noted that with respect to the 150.8-152 Mc band, the Commission is still proposing to make available the 11 frequencies now located between Forestry Conservation assignments to the Local Government Radio Service. It does not appear that the Forestry Conservation Radio Service has any immediate need for additional frequencies. Further, the communication requirements of this service tend to be over relatively large areas and thus, might better be accommodated on low-band frequencies. In this regard, the

Commission intends to institute proceedings in the near future to "split" the remaining frequencies available to Part 10 in the 25-50 Mc band. Naturally, such a proceeding will be in the form of a notice of proposed rule making in which Forestry-Conservation users, as well as other interested parties, will have ample opportunity to present appropriate comments.

6. Since the proposals set forth herein relate to matters contained in both Docket No. 13273 as well as Docket No. 13754 and since it seems likely that those who will submit comments will wish to file on all the proposals, the Commission regards it expedient to combine all these matters in a single further notice of proposed rule making. The comments received thus far, pursuant to the original notice of proposed rule making in Docket No. 13754, will be considered before a final determination is reached. However, any party who has so filed is not precluded from filing additional appropriate comments on these new proposals.

7. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, and any person desiring to sup-

port this proposal, may file with the Commission on or before December 31, 1960 a written statement or brief setting forth his comments. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

8. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: November 8, 1960.

Released: November 14, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 60-10704; Filed, Nov. 16, 1960;
8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 60-76]

ACCEPTANCE OF CERTIFICATES AND/OR REGISTERS ISSUED BY UNIVERSAL CARGO GEAR SURVEY AND CERTIFICATION BUREAU, INC.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38, dated October 26, 1959 (24 F.R. 8857), and the applicable inspection laws administered in conjunction with R.S. 4405, as amended, 4462, as amended (46 U.S.C. 375, 416), and the regulations in 46 CFR 71.25-25(a)(5) and 91.25-25(a)(3): *It is ordered, That:*

(a) The valid current certificates and/or registers issued by the Universal Cargo Gear Survey and Certification Bureau, Inc., with home office at 149 Broadway, New York 6, New York, attesting to the tests and surveys of shipboard cargo gear on a passenger, cargo, or miscellaneous vessel conducted by or for such Bureau, may be accepted as prima facie evidence of the condition and suitability of such gear by the Coast Guard when performing an inspection of a vessel as further described in 46 CFR 71.25-25 or 91.25-25: *Provided, That:*

(1) Such certificates and/or registers shall be maintained currently and shall indicate that the described shipboard cargo gear for the particular vessel described therein complies with the standards respecting shipboard cargo gear as set forth in the Convention Concerning the Protection Against Accidents of Workers Employed in Loading or Unloading Ships (Revised) (International Labor Organization Convention No. 32); and,

(2) The dates when such tests or surveys were conducted, together with the signatures or initials of the competent persons performing them shall be recorded therein.

(b) This approval and permission to accept valid current certificates and/or registers of the Universal Cargo Gear Survey and Certification Bureau, Inc., shall become effective on the date of publication of this document in the FEDERAL REGISTER and shall be in effect until suspended, amended, or canceled by proper authority.

Dated: November 9, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60-10723; Filed, Nov. 16, 1960;
8:52 a.m.]

[CGFR 60-71]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-40 (25 F.R. 6138, 6139), and 2.75-50. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from September 23 through September 30, 1960. These actions were taken in accordance with the procedure set forth in 46 CFR 2.75-1 to 2.75-50.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November

26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U.S.C. 405, 416, 481, 489, 367, 526p, 1333, 390b), section 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or section 3(c) of 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner cancelled or suspended by proper authority.

7. In Part II are listed the approvals which have been terminated because the approvals have expired. Notwithstanding this termination of approvals of the items of equipment as listed in Part II of the document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

8. In Part III is an amendment to Coast Guard Document CGFR 60-62 and Federal Register Document 60-8738, published in the FEDERAL REGISTER of September 21, 1960.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

Approval No. 160.002/95/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86-88 Congress Street, Brooklyn 1, N.Y., effective September 30, 1960.

Approval No. 160.002/94/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86-88 Congress Street, Brooklyn 1, N.Y., effective September 30, 1960.

LIFE PRESERVER, Balsa WOOD (JACKET TYPE), MODELS 42 AND 46

Approval No. 160.004/7/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Billy Boy Products, Inc., Quincy, Mich., effective September 29, 1960. (It is an extension of Approval No. 160.004/7/0 dated September 29, 1955.)

Approval No. 160.004/8/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Billy Boy Products, Inc., Quincy, Mich., effective September 29, 1960. (It

is an extension of Approval No. 160.004/8/0 dated September 29, 1955.)

LIFE PRESERVERS: REPAIRING AND CLEANING

Approval No. 160.006/12/1, Rightway cleaning process for kapok life preservers of all types and fibrous glass life preservers with vinyl covered pad inserts as outlined in letter of May 10, 1948, from the Rightway Mattress Co., rinse step to be satisfactory to Coast Guard inspector, submitted by Rightway Mattress Co., 4410 Austin Boulevard, Island Park, N.Y., effective September 29, 1960. (It is an extension of Approval No. 160.006/12/1 dated September 29, 1955.)

LIFEBOATS

Approval No. 160.035/102/4, 24.0' x 8.0' x 3.5' steel, motor-propelled lifeboat without radio-cabin (Class B), 37-person capacity, identified by arrangement and construction dwg. No. 55R-2425 dated April 21, 1955, and revised August 10, 1960, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N.Y., effective September 26, 1960. (It reinstates and supersedes Approval No. 160.035/102/3 which was terminated in the FEDERAL REGISTER March 16, 1960.)

BOUYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/41/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill., effective September 29, 1960. (It is an extension of Approval No. 160.047/41/0 dated September 29, 1955.)

Approval No. 160.047/42/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill., effective September 29, 1960. (It is an extension of Approval No. 160.047/42/0 dated September 29, 1955.)

Approval No. 160.047/454/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Acme Products, Inc., 152-156 Brewery Street, New Haven, Conn., effective September 26, 1960.

Approval No. 160.047/445/0, Type I, Model CKM-1, child buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Acme Products, Inc., 152-156 Brewery Street, New Haven, Conn., effective September 26, 1960.

Approval No. 160.047/456/0, Type I, Model CKS-1, child buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Acme Products, Inc., 152-156 Brewery Street, New Haven, Conn., effective September 26, 1960.

Approval No. 160.047/457/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Company, 4311 Belmont Avenue, Chicago 41, Ill., for The Firestone Tire & Rubber Company, Akron 17, Ohio, effective September 23, 1960.

Approval No. 160.047/458/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Company, 4311 Belmont Avenue, Chicago 41, Ill., for The Firestone Tire & Rubber Company, Akron 17, Ohio, effective September 23, 1960.

Approval No. 160.047/459/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Company, 4311 Belmont Avenue, Chicago 41, Ill., for The Firestone Tire & Rubber Company, Akron 17, Ohio, effective September 23, 1960.

Approval No. 160.047/460/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86-88 Congress Street, Brooklyn 1, N.Y., effective September 30, 1960.

Approval No. 160.047/461/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86-88 Congress Street, Brooklyn 1, N.Y., effective September 30, 1960.

Approval No. 160.047/462/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86-88 Congress Street, Brooklyn 1, N.Y., effective September 30, 1960.

BOUYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/18/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by The Safeguard Corp., Box 66, Station B, Cincinnati, Ohio, effective September 29, 1960. (It is an extension of Approval No. 160.048/18/0 dated September 29, 1955.)

Approval No. 160.048/19/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill., effective September 29, 1960. (It is an extension of Approval No. 160.048/19/0 dated September 29, 1955.)

Approval No. 160.048/20/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok, The American Pad & Textile Co. dwg. Nos. A-453, dated July 18, 1955, and B-245, dated February 15, 1955, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue,

Chicago 7, Ill., effective September 29, 1960. (It is an extension of Approval No. 160.048/20/0, dated September 29, 1955.)

Approval No. 160.048/21/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Spiegel, Inc., 1061 West 35th Street, Chicago 9, Ill., effective September 29, 1960. (It is an extension of Approval No. 160.048/21/0 dated September 29, 1955.)

Approval No. 160.048/22/0, group approval for rectangular and trapezoidal fibrous glass buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of fibrous glass filling to be as per Table 160.048-4(c)(1)(ii), manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., effective September 29, 1960. (It is an extension of Approval No. 160.048/22/0 dated September 29, 1955.)

Approval No. 160.048/23/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok, dwg. No. 72755, dated July 27, 1955, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., effective September 29, 1960. (It is an extension of Approval No. 160.048/23/0 dated September 29, 1955.)

Approval No. 160.048/24/0, special approval for 14" x 19" x 2" rectangular ribbed-type kapok buoyant cushion, 24-oz. kapok, dwg. No. 72755, dated July 27, 1955, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., effective September 29, 1960. (It is an extension of Approval No. 160.048/24/0 dated September 29, 1955.)

Approval No. 160.048/25/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Neptune Specialties, Inc., 14 North Chatsworth Avenue, Larchmont, N.Y., effective September 29, 1960. (It is an extension of Approval No. 160.048/25/0, dated September 29, 1955.)

Approval No. 160.048/190/0, group approval for rectangular or trapezoidal kapok buoyant cushion, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for The Firestone Tire & Rubber Co., Akron 17, Ohio, effective September 23, 1960.

Approval No. 160.048/191/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok, Atlantic-Pacific Manufacturing Corp., dwg. No. 72755, dated July 27, 1955, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86-88 Con-

gress Street, Brooklyn 1, N.Y., effective September 30, 1960.

Approval No. 160.048/192/0, group approval for rectangular and trapezoidal buoyant cushions, U.S.C.G. Specification Subpart 160.048, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86-88 Congress Street, Brooklyn 1, N.Y., effective September 30, 1960.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/6/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c) (1), manufactured by The Safeguard Corp., Box 66, Station B, Cincinnati, Ohio, effective September 29, 1960. (It is an extension of Approval No. 160.049/6/0 dated September 29, 1955.)

KITS, FIRST-AID, FOR INFLATABLE LIFE RAFTS

Approval No. 160.054/3/0, Model 500 first-aid kit for inflatable life rafts, dwg. No. 1099 A-VP, Rev. 1 dated July 1, 1960, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark 4, N.J., effective September 29, 1960.

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/174/0, Stempel Model 605 (Symbol GEP), 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 5284, Rev. C dated June 5, 1958, name plate dwg. No. 7222 dated August 10, 1960 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 8740 Washington Boulevard, Culver City, Calif., for M. L. Snyder & Son, Inc., Jasper and York Streets, Philadelphia 25, Pa., effective September 29, 1960.

Approval No. 160.010/175/0, Stempel Model 610 (Symbol GEP), 10-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP-10-5401, Rev. B dated March 1958, name plate dwg. No. 7223 dated August 10, 1960 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The General Fire Extinguisher Corp., 8740 Washington Boulevard, Culver City, Calif., for M. L. Snyder & Son, Inc., Jasper and York Streets, Philadelphia 25, Pa., effective September 29, 1960.

Approval No. 162.010/176/0, Stempel Model 620 (Symbol GEP), 20-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP-20-5396, Rev. B dated 1958, name plate dwg. No. 7224 dated August 10, 1960 (Coast Guard classification: Type B, Size III; and Type C, Size III), manufactured by The General Fire Extinguisher Corp., 8740 Washington Boulevard, Culver City, Calif., for M. L. Snyder & Son, Inc., Jasper and York Streets, Philadelphia 25, Pa., effective September 29, 1960.

Approval No. 162.010/177/0, Stempel Model 630 (Symbol GEP), 30-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP-30-5397, Rev. B dated March 1958, name plate dwg. No. 7225 dated August 10, 1960 (Coast Guard classification: Type B, Size IV; and Type C, IV), manufactured by The General Fire Extinguisher Corp., 8740 Washington Boulevard, Culver City, Calif., for M. L. Snyder & Son, Inc., Jasper and York Streets, Philadelphia 25, Pa., effective September 29, 1960.

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.047/38/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Merit Manufacturing Corp., 92-15 172d Street, Jamaica 3, N.Y., effective September 29, 1960. (Notice of Approval published in FEDERAL REGISTER September 29, 1955. Approval terminated September 29, 1960.)

Termination of Approval No. 160.047/39/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Merit Manufacturing Corp., 92-15 172d Street, Jamaica 3, N.Y., effective September 29, 1960. (Notice of Approval published in FEDERAL REGISTER September 29, 1955. Approval terminated September 29, 1960.)

Termination of Approval No. 160.047/40/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Merit Manufacturing Corp., 92-15 172d Street, Jamaica 3, N.Y., effective September 29, 1960. (Notice of Approval published in FEDERAL REGISTER September 29, 1955. Approval terminated September 29, 1960.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.048/12/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), manufactured by Merit Manufacturing Corp., 92-15 172d Street, Jamaica 3, N.Y., effective September 29, 1960. (Notice of Approval published in FEDERAL REGISTER September 29, 1955. Approval terminated September 29, 1960.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.049/7/0, group approval for rectangular or trapezoidal unicellular plastic foam

buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c) (1), manufactured by Merit Manufacturing Corp., 92-15 172d Street, Jamaica 3, N.Y., effective September 29, 1960. (Notice of approval published in FEDERAL REGISTER September 29, 1955. Approval terminated September 29, 1960.)

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL-FOAM TYPE

Termination of Approval No. 162.006/41/0, S.O.S. Defender (Symbol EL), 2½-gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. C-30234, Alt. C, dated December 29, 1954, name plate dwg. No. B-30353, dated April 28, 1950, issue of July 5, 1955 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by Elkhart Mfg. Co., Inc., 1302 West Beardsley Avenue, Elkhart, Ind., for Schwartz Brothers, Inc., 827 Arch Street, Philadelphia 7, Pa., effective September 29, 1960. (Notice of Approval published in FEDERAL REGISTER September 29, 1955. Approval terminated September 29, 1960.)

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Termination of Approval No. 162.007/52/0, S.O.S. Defender (Symbol EL), 2½-gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. C-30265, Alt. D, dated March 15, 1955, issue of July 5, 1955, and name plate dwg. No. B-30354, dated April 28, 1950, issue of July 5, 1955 (Coast Guard classification: Type A, Size II), manufactured by Elkhart Mfg. Co., Inc., 1302 West Beardsley Avenue, Elkhart, Ind., for Schwartz Brothers, Inc., 827 Arch Street, Philadelphia 7, Pa., effective September 29, 1960. (Notice of Approval published in FEDERAL REGISTER September 29, 1955. Approval terminated September 29, 1960.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Termination of Approval No. 162.020/27/1, Crane Champion Model No. C-20-A liquefied petroleum gas hot water heater, approved by the American Gas Association, Inc., under Certificate No. 3-651-1.011-3, manufactured by Bastian-Morley Co., Inc., La Porte, Indiana, effective September 29, 1960. (Notice of approval published in FEDERAL REGISTER September 29, 1955. Approval terminated September 29, 1960.)

Termination of Approval No. 162.020/35/1, Crane Champion Model No. C-30-A, liquefied petroleum gas hot water heater, approved by the American Gas Association, Inc., under Certificate No. 3-651-1.201-3, manufactured by Bastian-Morley Co., Inc., La Porte, Indiana, effective September 29, 1960. (Notice of approval published in FEDERAL REGISTER September 29, 1955. Approval terminated September 29, 1960.)

Termination of Approval No. 162.020/36/1, Crane Champion Model No. C-40-A, liquefied petroleum gas hot water heater, approved by the American Gas Association, Inc., under Certificate No. 3-(651-1.1 and -3.1), 001-3X, manufactured by

Bastian-Morley Co., Inc., La Porte, Indiana, effective September 29, 1960. (Notice of approval published in FEDERAL REGISTER September 29, 1955. Approval terminated September 29, 1960.)

PART III—AMENDMENT OF PRIOR DOCUMENT

The Coast Guard Document CGFR 60-62 and Federal Register Document 60-8738, published in the FEDERAL REGISTER of September 21, 1960, are corrected by making the following change:

(1) Substitute 160.054/5/0 for 160.054/5/6 for approval under "Kits, First-Aid, for Inflatable Life Rafts." (25 FR 9064, 2d Column)

Dated: November 9, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60-10724; Filed, Nov. 16, 1960;
8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 9, 1960.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 043548, for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as campgrounds, organization camps, picnic grounds, back area development, winter sports area, recreation area, lookout, summer home area, and administrative sites located in the Grand Mesa National Forest.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ASPEN COVE CAMPGROUND

T. 11 S., R. 96 W.,
Sec. 36, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Total area 40 acres.

BONHAM LAKE CAMPGROUND

T. 11 S., R. 94 W.,
Sec. 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 16, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$
NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Total area 180 acres.

DEEP SLOUGH CAMPGROUND

T. 12 S., R. 95 W.,
Sec. 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Total area 130 acres.

EGGLESTON CAMPGROUND

T. 11 S., R. 94 W.,
Sec. 31, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 12 S., R. 94 W.,
Sec. 6, Lot 9.

Total area 98.84 acres.

EGGLESTON LAKE CAMPGROUND

T. 11 S., R. 94 W.,
Sec. 31, Lot 4, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 12 S., R. 94 W.,
Sec. 6, Lot 10, Lot 11.

Total area 177.56 acres.

FISH HAWK CAMPGROUND

T. 12 S., R. 94 W.,
Sec. 5, Lot 8.
Total area 58.39 acres.

GRAND MESA CHRISTIAN ASSOCIATION ORGANIZATION CAMP

T. 12 S., R. 95 W.,
Sec. 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Total area 80 acres.

GRAND MESA RESORT

T. 12 S., R. 95 W.,
Sec. 3, Lot 7, Lot 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total area 118.12 acres.

GRIFFITH LAKE CAMPGROUND

T. 11 S., R. 96 W.,
Sec. 25, Lot 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total area 166.41 acres.

HIGH PICNIC GROUND

T. 11 S., R. 95 W.,
Sec. 30, Lot 8, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 31, Lot 5, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total area 77.72 acres.

ISLAND LAKE SUMMER HOME AREA

T. 12 S., R. 95 W.,
Sec. 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Total area 40 acres.

KISER CREEK CAMPGROUND

T. 12 S., R. 94 W.,
Sec. 6, Lot 14; Lot 17, Lot 18.
Total area 100.76 acres.

KIWANIS YOUTH ORGANIZATION CAMP

T. 11 S., R. 96 W.,
Sec. 22, Lot 15, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total area 60 acres.

LAKE VIEW POINT OVERLOOK AND PICNIC GROUND

T. 12 S., R. 95 W.,
Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total area 30 acres.

LAND'S END OVERLOOK AND OBSERVATORY AREA

T. 12 S., R. 97 W.,
Sec. 3: S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total area 110 acres.

LAND'S END PICNIC GROUND

T. 12 S., R. 97 W.,
Sec. 10, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total area 20 acres.

LITTLE BEAR CAMPGROUND

T. 12 S., R. 95 W.,
Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total area 50 acres.

LITTLE GEM CAMPGROUND

T. 12 S., R. 95 W.,
Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total area 70 acres.

LOST LAKE BACK AREA DEVELOPMENT

T. 12 S., R. 96 W.,
Sec. 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total area 20 acres.

MESA CREEK WINTER SPORTS AREA

T. 11 S., R. 96 W.,
Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$
NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total area 260 acres.

MESA-LAKES RECREATION AREA

T. 11 S., R. 96 W.,
Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$
NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$.
Total area 340 acres.

MESA LAKE TRAILER PARK

T. 11 S., R. 96 W.,
Sec. 35, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 36, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total area 90 acres.

NF-ORRR SITE ML-144

T. 11 S., R. 96 W.,
Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 36, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total area 50 acres.

REED RESERVOIR CAMPGROUND

T. 12 S., R. 94 W.,
Sec. 6, Lot 19;
Sec. 7, Lot 7.
Total area 55.76 acres.

SOUTH MESA BACK AREA DEVELOPMENT

T. 11 S., R. 96 W.,
Sec. 35, Lot 2.
Total area 42.63 acres.

SKYWAY POINT OVERLOOK AND PICNIC GROUND

T. 11 S., R. 96 W.,
Sec. 36, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total area 20 acres.

STAR LAKE CAMPGROUND

T. 12 S., R. 95 W.,
Sec. 1, Lot 11, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$.

Total area 48 acres.

STEAMBOAT ROCK PICNIC GROUND

T. 12 S., R. 97 W.,
Sec. 16, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$
NE $\frac{1}{4}$ SE $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area 80 acres.

TRICKLE PARK CAMPGROUND

T. 11 S., R. 94 W.,
Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Total area 40 acres.

TWIN LAKE CAMPGROUND

T. 11 S., R. 94 W.,
Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area 70 acres.

WARD LAKE RECREATION AREA

T. 12 S., R. 95 W.,
Sec. 1, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 2, Lot 5, Lot 6, Lot 8, Lot 9, Lot 10,
Lot 12, Lot 13, Lot 14, Lot 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area 548.66 acres.

WATERDOG LAKE CAMPGROUND

T. 11 S., R. 96 W.,
Sec. 26, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Total area 40 acres.

WATERDOG LAKE MARINA

T. 11 S., R. 96 W.,
Sec. 26, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area 20 acres.

WEIR AND JOHNSON CAMPGROUND

T. 11 S., R. 93 W.,
Sec. 30, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Total area 70 acres.

WHITE DEER PARK CAMPGROUND

T. 11 S., R. 94 W.,
Sec. 26, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Total area 40 acres.

WILD ROSE PICNIC GROUND

T. 12 S., R. 97 W.,
Sec. 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Total area 40 acres.

HIGHTOWER ADMINISTRATIVE SITE ADDITION

T. 9 S., R. 92 W.,
Sec. 17, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Total area 80 acres.

WARD LAKE ADMINISTRATIVE SITE

T. 12 S., R. 95 W.,
Sec. 2, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Total area 170 acres.

The above described area in Grand
Mesa National Forest aggregate approxi-
mately 3,732.58 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 60-10684; Filed, Nov. 16, 1960;
8:46 a.m.]

IDAHO

Notice of Termination of Proposed
Withdrawal and Reservation of
Lands

Notice of an application Serial No.
Idaho 09923, for withdrawal and reserva-
tion of lands was published as Federal
Register Document No. 58-10007 on page
9396 of the issue for December 4, 1958.
The applicant agency has cancelled its
application. Therefore, pursuant to the
regulations contained in 43 CFR Part
295, such lands will be at 10:00 a.m. on
November 18, 1960, relieved of the segre-
gative effort of the above-mentioned
application.

The lands involved in this notice of
termination are:

BOISE MERIDIAN, IDAHO

T. 8 N., R. 1 W.,
Sec. 27: SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates 20
acres.

JOE T. FALLINI,
State Supervisor.

[F.R. Doc. 60-10685; Filed, Nov. 16, 1960;
8:46 a.m.]

UTAH

Small Tract Classification

NOVEMBER 10, 1960.

1. Pursuant to authority delegated to
me by Bureau Order No. 541, dated April
21, 1954 (19 F.R. 2473), I hereby classify
the following-described public lands,
totaling 240 acres, in Grand County,
Utah, under the provisions of the Small
Tract Act of June 1, 1938 (52 Stat. 609,
43 U.S.C. 682a) as amended:

SALT LAKE MERIDIAN

T. 26 S., R. 22 E.
Sec. 15: SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17: N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 23: W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

2. Classification of the above-described
lands by this order segregates them from
all appropriations, including locations
under the mining laws, except as to ap-
plications under the mineral leasing laws.

3. The lands classified by this order
shall not become subject to application
under the Small Tract Act of June 1,
1938 (Stat. 609, 43 U.S.C. 682a) as
amended, until it is so provided by a sub-
sequent order to be issued by an
authorized officer.

4. All valid applications filed for lands
in the area described above, and for lands
in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14 and the
N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 15, T. 26 S., R. 22 E., SLM,
before November 4, 1960, will be adjusted
to conform with the classified area, and
will be granted as soon as possible.

VAL B. RICHMAN,
State Supervisor.

[F.R. Doc. 60-10686; Filed, Nov. 16, 1960;
8:46 a.m.]

FLORIDA

Notice of Filing of Plat of Survey and
Order Providing for Opening of
Public Lands

NOVEMBER 8, 1960.

The Plat of Survey of the land de-
scribed below will be officially filed in
the Eastern States Land Office, effective
10:00 a.m. on December 29, 1960.

TALLAHASSEE MERIDIAN

T. 44 S., R. 20 E. (Islands),	Acres
Sec. 1, lot 20-----	5.44
Sec. 2, lot 2-----	12.10
Sec. 11, lot 1-----	16.06
Sec. 13, lot 4-----	17.13

The Survey was undertaken as an
administrative measure following corre-
spondence with interested parties.

These islands are formed of broken
shells with some humus material vary-
ing in size from grain-like to whole
shells. They rise steeply from the sur-
rounding waters to an elevation of from
2 to 3 feet, and support a sparse growth
of shrubbery and grasses. On the lower
island is an Australian pine. The is-
lands are used by pleasure fishermen
and picknickers and are subject to heavy
erosional effects at times, particularly
during gulf storms, which may change
the size thereof very quickly and also
to very rapid accretional effects which
may add considerable material to them.

The islands have formed in relatively
recent years upon the open bed of the
Gulf of Mexico, outside the considered
shoreline of the State as of 1845, the
date of Florida's admission into the
Union. This formation as attested by
historical maps and coastal charts, oc-
curred between 1845 and 1953, the date
of the Submerged Lands Act at which
time title to the bed of the Gulf of
Mexico rested in the United States.
Therefore, within the interpretation of
the judgment in the case of United
States v. Louisiana (339 U.S. 669) the
islands are held to be public lands.
Since their apparent formation was sub-
sequent to 1850 it appears that they are
not subject to the act of September 28,
1850 (9 Stat. 519).

Upon the effective date hereof, the
land recited herein will become subject
to the operation of and disposition under
the public land laws.

No application may be allowed for the
land under the homestead or small tract
or any of the other non-mineral public
land laws, unless the land has already
been classified as valuable or suitable
for such type of application or shall be
so classified upon consideration of an
application. Any such application that
is filed will be considered on its merit.
The land will not be subject to occupancy
or disposition until it has been classified.

Applications and selections under the
non-mineral public land laws and appli-
cations and offers under the mineral leas-
ing laws may be presented to the
Manager mentioned below, beginning
on the date of this order. Such appli-
cations, selections, and offers will be
considered as filed on the hour and re-
spective dates shown for the various

classes enumerated in the following paragraphs:

1. Applications by persons having prior, valid, existing and maintained settlement rights; preference rights conferred by existing laws; or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support thereof. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications and selections under the non-mineral public land laws, other than those coming under paragraph (1) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. December 29, 1960, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour and date will be governed by the time of filing.

All inquiries relating to the lands should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,
Manager.

[F.R. Doc. 60-10690; Filed, Nov. 16, 1960;
8:47 a.m.]

[Document No. 228]

ARIZONA

Notice of Filing of Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following protraction diagrams are officially filed of record in the Arizona Land Office, 1305 North Central Avenue, Phoenix, Arizona.

2. In accordance with 43 CFR 192.42a (c) (24 F.R. 4140, May 22, 1959) and amendments of Parts 188, 193, 195, 196, 198, 199, and 200 of Title 43, Code of Federal Regulations, as published in 25 F.R. 2797 (April 2, 1960) (Circular 2040), these protractions will become the basic record for the description of applications and offers for mineral leases and permits filed at and subsequent to 10:00 a.m. on the thirty-first day after publication of this notice.

ARIZONA PROTRACTION DIAGRAMS NOS. 52 TO 78A, INCLUSIVE

GILA AND SALT RIVER MERIDAN

Unsurveyed sections in:

No. 52

T. 15 N., Rs. 2, 2½ and 4 E.
T. 16 N., Rs. 1, 1½ and 2 E.
T. 17 N., Rs. 1 thru 3 E.
T. 18 N., Rs. 2, 3 and 4 E.
T. 19 N., Rs. 3 and 4 E.

No. 53

T. 13 N., Rs. 5, 7 and 8 E.
T. 14 N., Rs. 7 and 8 E.
T. 15 N., R. 7 E.
T. 17 N., Rs. 6 and 7 E.
T. 18 and 19 N., Rs. 5 and 6 E.

No. 54

Ts. 7 and 8 N., Rs. 4, 5 and 6 E.
T. 9 N., Rs. 3 and 6 E.
T. 9½ and 10 N., R. 6 E.

T. 11 N., Rs. 4, 5 and 6 E.
Ts. 12 and 12½ N., Rs. 5 and 6 E.

No. 55

T. 7 N., Rs. 7 through 10 E.
Ts. 8, 9 and 10 N., Rs. 7, 8 and 9 E.
T. 11 N., Rs. 7, 8 and 10 E.
T. 11½ N., Rs. 7 through 10 E.
T. 12 N., Rs. 6½, 7, 8, 9 and 10 E.

No. 56

T. 5 N., Rs. 11 and 12 E.
T. 6 N., Rs. 12 and 13 E.
Ts. 7 and 8 N., Rs. 11 through 14 E.
T. 10 N., Rs. 11 and 13 E.
T. 10½ N., Rs. 13 and 14 E.
T. 11 N., Rs. 11 and 11½ E.

No. 57

Ts. 4½, 8, 9 and 10 N., Rs. 15½, 16, 17 and 18 E.
Ts. 5, 6 and 7 N., Rs. 15, 15½, 16, 17 and 18 E.
T. 11 N., Rs. 15 and 17 E.

No. 58

Ts. 4½ and 5 N., Rs. 19, 20 and 21 E.
Ts. 6, 7, and 8 N., Rs. 19 through 22 E.
T. 9 N., R. 19 E.
T. 10 N., R. 20 E.

No. 59

Ts. 4½ and 5 N., Rs. 24 through 27 E.
T. 6 N., Rs. 23 through 27 E.
T. 7 and 8 N., Rs. 23 through 26 E.

No. 60

T. 2 N., R. 8 E.
Ts. 3 and 4 N., Rs. 7 and 8 E.
T. 5 N., Rs. 6, 7 and 8 E.
T. 6 N., Rs. 5 through 8 E.

No. 61

T. 1 S., R. 11 E.
T. 2 S., Rs. 14, 15 and 16 E.
Ts. 2, 3 and 4 N., Rs. 9 through 12 E.
T. 5 N., Rs. 9 and 10 E.
T. 6 N., R. 10 E.

Nos. 62 & 62A

Ts. 3, 4 and 5 S., R. 16 E.
T. 2 S., Rs. 14, 15 and 16 E.
T. 1 S., Rs. 13, 14½, 15 and 16 E.
T. 1 N., Rs. 13, 14 and 16 E.
Ts. 2 and 3 N., Rs. 13, 14, 15, 15½ and 16 E.
T. 4 N., Rs. 14, 15, 15½ and 16 E.

No. 63

Ts. 1, 2 and 3 S., Rs. 17 through 20 E.
Ts. 1 through 4 N., Rs. 17 through 20 E.

No. 64

Ts. 1, 2 and 3 S., Rs. 21 through 24 E.
Ts. 1 through 4 N., Rs. 21 through 24 E.

No. 65

Ts. 1, 2 and 3 S., Rs. 25 through 28 E.
Ts. 1, 2 and 3 N., Rs. 25 through 28 E.
T. 4 N., Rs. 25, 26 and 27 E.
T. 3½ N., R. 28 E.
T. 4 N., R. 27½ E.

No. 66

T. 1 S., Rs. 29 through 32 E.
T. 2 S., Rs. 30, 31 and 32 E.
T. 3 S., Rs. 30 and 32 E.
Ts. 1 through 4 N., Rs. 29 through 32 E.
T. 4½ N., Rs. 29, 30 and 31 E.

No. 67

Ts. 9 and 10 S., R. 1 E.
Ts. 6 through 12 S., R. 2 E.
Ts. 7, 8, 10, 11 and 12 S., R. 3 E.
Ts. 8, 9, and 12 S., R. 4 E.

Nos. 68 and 68A

Ts. 8 through 14 S., R. 5 E.
Ts. 12, 13 and 14 S., Rs. 5½ and 6 E.
Ts. 12 and 14 S., R. 7 E.
T. 12 S., R. 8 E.
T. 8 S., R. 9 E.

Nos. 69 and 69A

T. 10 S., Rs. 15 and 16 E.
T. 11 S., Rs. 14 and 15 E.
T. 12 S., Rs. 14, 15 and 16 E.
T. 13 S., Rs. 15, 16 and 17 E.
Ts. 14 and 15 S., R. 17 and 18 E.
T. 15 S., R. 24 E.

No. 70

T. 4 S., Rs. 19 through 22 E.
T. 5 S., R. 19 E.
T. 7 S., Rs. 20 and 22 E.
Ts. 9 and 10 S., R. 20 E.
T. 11 S., R. 21 E.

No. 71

T. 4 S., Rs. 23 through 26 E.
T. 5 S., R. 26 E.
T. 7 S., Rs. 20 and 22 E.
Ts. 8 and 9 S., Rs. 23, 24 and 25 E.
Ts. 10 and 11 S., R. 25 E.

No. 72

T. 4 S., Rs. 27, 28, 30 and 32 E.
T. 5 S., Rs. 27 and 28 E.
T. 6 S., R. 27 E.
T. 8 S., R. 31 E.

No. 73

Ts. 13, 14 and 15 S., Rs. 1 through 4 E.
Ts. 16, 17 and 18 S., Rs. 1, 2, 3, 3½ and 4 E.

No. 74

Ts. 19 and 20 S., Rs. 1, 2, 3, 3½ and 4 E.
T. 21 S., Rs. 3, 3½, 4, 5 and 6 E.
T. 22 S., Rs. 6 and 7 E.

No. 75

T. 15 S., Rs. 5, 5½ and 6 E.
T. 16 S., Rs. 5 and 6 E.
Ts. 17 through 20 S., Rs. 5, 6 and 7 E.
T. 18 S., R. 8 E.

No. 76

T. 20 S., Rs. 15 and 16 E.
T. 23 S., Rs. 15 and 16 E.
T. 24 S., R. 16 E.

No. 77

T. 19 S., R. 19 E.
T. 23 S., R. 21 E.
Ts. 21, 22 and 23 S., Rs. 19 and 20 E.

Nos. 78 and 78A

T. 15 S., Rs. 29 and 30 E.
T. 16 S., R. 29 E.
T. 17 S., Rs. 29, 29½ and 30 E.
T. 18 S., Rs. 24, 29½, 30 and 31 E.
T. 19 S., Rs. 29 and 30 E.
T. 21 S., R. 29 E.

3. Copies of these diagrams are for sale at One Dollar (\$1.00) per sheet by the Arizona State Office, Bureau of Land Management, P.O. Box 148, Phoenix, Ariz.

Dated: November 8, 1960.

E. I. ROWLAND,
State Supervisor.

[F.R. Doc. 60-10693; Filed, Nov. 16, 1960;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
SEARCY AUCTION CO. ET AL.

Posted Stockyards

1. Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C.

202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting

ARKANSAS

Searcy Auction Company, Searcy; September 19, 1960.

CALIFORNIA

A. and M. Livestock Auction (Formerly A. and M. Sales Yard), Tulare; September 20, 1960.

ILLINOIS

Estes Sales Company, Canton; September 16, 1960.

IOWA

Ute Sale Barn, Ute; October 5, 1960.

NEW YORK

Amsterdam Livestock Sales, Inc., Amsterdam; August 16, 1960.

Sunny Acres Livestock Market, Bombay; September 20, 1960.

Chatham Area Auction Co-operative, Inc., Chatham; August 18, 1960.

Bartholomew's Commission Sale, Middleburgh; September 14, 1960.

Milford Commission Sales Stables, Inc., Milford; August 17, 1960.

J. M. Kaplan & Sons, Inc., Millerton; August 15, 1960.

Southern Cayuga Commission Sales, Moravia; August 18, 1960.

Norvel Reed Livestock Commission Auction, Sherman; September 26, 1960.

D. R. Chambers & Sons, Inc., Unadilla; September 15, 1960.

Sullivan Brothers, Utica; July 22, 1960.

Burton Livestock Exchange, Inc., Vernon; August 3, 1960.

Luther's Livestock Commission Market, Wassala; August 17, 1960.

NORTH CAROLINA

Warrenton Livestock Market, Warrenton; September 3, 1960.

OKLAHOMA

Raymond Pope's Livestock Sales Pavilion, Vinita; September 9, 1960.

OREGON

Easterlings Auction, Creswell; September 20, 1960.

Douglas Livestock Market, Wilbur; September 20, 1960.

SOUTH CAROLINA

Greenwood Stock Yard, Inc., Greenwood; February 8, 1960.

Orangeburg Stock Yards, Inc., Orangeburg; May 11, 1960.

TEXAS

Farmers and Ranchers Livestock Commission, Denton; September 22, 1960.

Hebbronville Auction & Commission Company, Hebbronville; September 15, 1960.

2. It has been ascertained, and notice is hereby given, that the Farris Livestock Auction Yard, Santa Rosa, California, a public market posted on October 21, 1959, as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), has been purchased by a partnership composed of Darald L. Tyler and L. L. Tyler and is being operated under the name of Mark West Livestock Auction, Santa Rosa, California.

Done at Washington, D.C., this 8th day of November 1960.

H. L. JONES,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60-10692; Filed, Nov. 16, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 919]

CERTAIN EQUALIZATION AND TARIFF PRACTICES OF NEW ENGLAND FORWARDING CO., INC., AND SEA-LAND OF PUERTO RICO, DIVISION OF SEA-LAND SERVICE, INC.

Notice of Investigation and of Hearing

On October 21, 1960, the Federal Maritime Board entered the following order:

It appearing that on August 19, 1960, the New England Forwarding Company, Inc., filed its Freight Tariff No. 1, F.M.B.-F. No. 1, with the Federal Maritime Board to become effective on August 23, 1960, naming local and proportional commodity rates between the ports of Baltimore, Md., New York, N.Y., and Philadelphia, Pa., on the one hand, and points in Puerto Rico on the other hand, and providing pickup and delivery rates in Baltimore, Md., and points in Puerto Rico; and

It further appearing that this tariff filing on only four days' notice was accepted because on its face it appeared to be an initial tariff filing by a new carrier in the Puerto Rican trade; and

It further appearing that from information contained in Information Circular, Form MA-231, filed by New England Forwarding Company, Inc., on August 29, 1960, and Freight Forwarder Registration Form, FMB-21, filed by New England Forwarding Company on September 15, 1960; New England Forwarding Company, Inc. is wholly owned and controlled by Sea-Land Service, Inc., and is subject to controlling affiliations with McLean Industries, Inc., and Waterman Steamship Corp.; and

It further appearing that Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc. is the successor carrier to Pan-Atlantic Steamship Corp. in the Puerto Rican trade, having on April 1, 1960, adopted Pan-Atlantic Steamship Corporation Puerto Rico Tariff, F.M.B.-F. No. 1; and

It further appearing that New England Forwarding Company, Inc. Freight Tariff No. 1, F.M.B.-F. No. 1, is published by J. F. Sharkey, Chief of Tariff Bureau, and since September 22, 1960, Freight Tariff F.M.B.-F. No. 1 of Pan-Atlantic Steamship Corporation (adopted by Sea-Land of Puerto Rico) has been published by the same J. F. Sharkey, Traffic Manager; and

It further appearing that the filing of New England Forwarding Company, Inc. Freight Tariff No. 1, F.M.B.-F. No. 1, may not have been a true initial filing by a new carrier in the Puerto Rican trade, but may have been a tariff filing by Sea-Land of Puerto Rico, and therefore filed on less than 30-days' notice in violation of section 2 of the Intercoastal Shipping Act, 1933, and the Board's Tariff Circular No. 3; and

It further appearing that under operation of the New England Forwarding Company, Inc. tariff, Sea-Land of Puerto Rico and/or New England Forwarding Company, Inc., may now be able to receive cargo in Baltimore and/or Philadelphia, pay the cost of land transportation to New York (Port Newark, N.J.), and move such cargo via Sea-Land of Puerto Rico to Puerto Rico, thus creating an equalization of Baltimore and/or Philadelphia rates through New York, and an absorption of the inland freight charges from Baltimore and/or Philadelphia to New York; and

It further appearing that employees of Sea-Land of Puerto Rico and/or New England Forwarding Company, Inc. may now be soliciting cargo for such movement in Baltimore, Md.; and

It further appearing that Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., and/or New England Forwarding Company, Inc., have created a tariff and rate structure which will permit equalization on commodities now moving through the ports of Baltimore and/or Philadelphia and absorbing the cost of inland transportation to New York in the manner condemned by the U.S. Maritime Commission in the case of City of Mobile et al. v. Baltimore Insular Line et al., 2 U.S.M.C. 474 (1941), and by the Federal Maritime Board in Proportional Rates on Cigarettes and Tobacco (Docket No. 867, decided April 28, 1960; and

It further appearing that Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc. and/or New England Forwarding Company, Inc., through the foregoing tariff filing and practices, may have entered into an agreement, arrangement or understanding in violation of section 15 of the Shipping Act, 1916, and may further be in violation of sections 16, 17, and/or 18 of that Act and/or sections 2, 3, and/or 4 of the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the foregoing practices of New England Forwarding Company, Inc., and Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., may be in violation of the Board's order dated April 28, 1960 (Served May 2, 1960), in Proportional Rates on Cigarettes and Tobacco (Docket No. 867) directed specifically to Pan-Atlantic Steamship Corporation as a respondent in that proceeding;

Now therefore, it is ordered, That a proceeding of inquiry and investigation be instituted pursuant to sections 15, 16, 17, 18, and 22 of the Shipping Act, 1916, as amended (46 U.S.C. 814, 815, 816, 817 and 821), and sections 2, 3, and/or 4 of

the Intercoastal Shipping Act, 1933, as amended (46 U.S.C. 844, 845, and 845(a)), to determine whether the above tariff filing and/or practices of New England Forwarding Company, Inc. and/or Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., may be in violation of said sections 15, 16, 17, and/or 18 of the Shipping Act, 1916, as amended; sections 2, 3, and/or 4 of the Intercoastal Shipping Act, 1933, as amended; and in violation of the Board's Order dated April 28, 1960, in Proportional Rates on Cigarettes and Tobacco (Docket No. 867); and

It is further ordered, That the New England Forwarding Company, Inc. and Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., be, and they are hereby, named respondents in this proceeding, which is to be set for hearinging Examiners, at a time and place to be announced; and

It is further ordered, That a copy of this order be served upon each of the respondents and published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be held before an examiner of the Board's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

By order of the Federal Maritime Board.

Dated: November 14, 1960.

THOMAS LISI,
Secretary.

[F.R. Doc. 60-10697; Filed, Nov. 16, 1960;
8:48 a.m.]

KAWASAKI KISEN KAISHA, LTD. AND KERR STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8554, between Kawasaki Kisen Kaisha Limited and Kerr Steamship Company, Inc., provides for pooling and sharing of revenues as between the parties with respect to cargo carried by them under their approved joint service Agreement No. 8444, in the trade between U.S. Pacific Coast ports and ports in South and East Africa.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Mari-

time Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: November 14, 1960.

THOMAS LISI,
Secretary.

[F.R. Doc. 60-10698; Filed, Nov. 16, 1960;
8:49 a.m.]

MEMBER LINES OF STRAITS/PACIFIC CONFERENCE AND WESTERN HEMIS- SPHERE PASSENGER CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 7090-7, between the member lines of the Straits/Pacific Conference, modifies the basic agreement of that conference (No. 7090, as amended), in the trade from ports in the Colony of Singapore and Federation of Malaya to San Francisco, Oakland, Los Angeles Harbour, Vancouver, Victoria, Seattle, Tacoma, Portland and Honolulu. The purpose of the modification is to substitute "State of Singapore" for "Colony of Singapore," the present day designation of that country, wherever that name of that country appears in Agreement No. 7090, as amended.

Agreement No. 8030-7, between the member lines of the Western Hemisphere Passenger Conference, modifies the basic agreement of that Conference (No. 8030, as amended), relating to passenger traffic between ports on the Atlantic and Gulf coasts of the United States, Eastern Canada, the St. Lawrence River and tributaries, and Great Lakes ports of the United States and Canada, on the one hand, and ports in Bermuda, Mexico, Central and South America, and Islands in the Caribbean adjacent thereto, on the other hand. The purpose of the modification is to amend the rules and regulations on the conference with respect to travel agents.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: November 14, 1960.

THOMAS LISI,
Secretary.

[F.R. Doc. 60-10699; Filed, Nov. 16, 1960;
8:49 a.m.]

MEMBER LINES OF U.S. ATLANTIC & GULF PORTS-JAMAICA (B.W.I.) STEAMSHIP CONFERENCE AND STRAITS/NEW YORK CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 4610-4, between the member lines of the U.S. Atlantic & Gulf Ports-Jamaica (B.W.I.) Steamship Conference, modifies the basic agreement of that conference (No. 4610, as amended), in the trade from U.S. Atlantic and Gulf ports (Portland, Maine to Houston, Texas, inclusive), to Kingston, Jamaica and to outports of Jamaica, either via direct service or under through bills of lading with transshipment at Kingston, Jamaica. The purpose of this modification is to change the voting provision of the agreement.

Agreement No. 6010-10, between the member lines of the Straits/New York Conference, modifies the basic agreement of that conference (No. 6010, as amended), in the trade from ports in the Colony of Singapore and Federation of Malaya to U.S. Atlantic and Gulf ports. The purpose of the modification is to substitute "State of Singapore" for "Colony of Singapore", the present day designation of that country, wherever that name of that country appears in Agreement No. 6010, as amended.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: November 14, 1960.

THOMAS LISI,
Secretary.

[F.R. Doc. 60-10700; Filed, Nov. 16, 1960;
8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13837-13840; FCC 60M-1923]

BERNALILLO BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Oscar E. Reeder, tr/as Bernalillo Broadcasting Co., Albuquerque, New Mexico, Docket No. 13837, File No. BP-12708; Carter M. Waid, tr/as Belen Broadcasting Company, Belen, New Mexico, Docket No. 13838, File No. BP-12822; Philip B. Rosenthal, tr/as Cosmopolitan Broadcasting Co., Santa Fe, New Mexico, Docket No. 13839, File

No. BP-13706; KARA, Incorporated (KARA), Albuquerque, New Mexico, Docket No. 13840, File No. BP-14024; for construction permits.

It is ordered, This 9th day of November 1960, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 12, 1960, in Washington, D.C.

Released: November 10, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10705; Filed, Nov. 16, 1960;
8:50 a.m.]

[Docket No. 13841; FCC 60M-1925]

COASTAL BROADCASTING CO. (WLAT)

Order Scheduling Hearing

In re application of Loys Marsdon Hawley and Herman Lee Hanks d/b as Coastal Broadcasting Company (WLAT), Conway, South Carolina, Docket No. 13841, File No. BMP-8480; for construction permit.

It is ordered, This 9th day of November 1960, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 14, 1960, in Washington, D.C.

Released: November 10, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10706; Filed, Nov. 16, 1960;
8:50 a.m.]

[Docket No. 13778; FCC 60M-1921]

DONIPHAN TELEPHONE CO. ET AL.

Order Continuing Hearing

In the matter of Doniphan Telephone Company, petitioner, v. American Telephone and Telegraph Company and Southwestern Bell Telephone Company, respondents, Docket No. 13778.

The Hearing Examiner having under consideration a motion filed November 3, 1960, on behalf of Doniphan Telephone Company requesting that the date of the evidentiary hearing now scheduled for January 16, 1961 be continued to January 23, 1961; and

It appearing that the reason for the requested continuance is the fact that counsel for petitioner must appear before the Supreme Court of Missouri on January 17, 1961, the day after the above proceeding is scheduled to begin in Washington, D.C.; and

It further appearing that counsel for the other parties, including counsel for the Common Carrier Bureau, have consented to the grant of this motion and good cause for the requested continuance having been shown;

It is ordered, This the 10th day of November 1960, that the motion for continuance is granted and the evidentiary

hearing now scheduled for January 16, 1961, is continued to January 23, 1961.

Released: November 10, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10707; Filed, Nov. 16, 1960;
8:50 a.m.]

[Docket No. 13850; FCC 60-1352]

MAINE RADIO AND TELEVISION CO. (WCSH-TV)

Order Designating Application for Hearing on Stated Issues

In re application of: Maine Radio and Television Company (WCSH-TV), Portland, Maine, Docket No. 13850, File No. BPCT-2703; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of November 1960;

The Commission having under consideration the above-captioned application of Maine Radio and Television Company for modification of construction permit to change transmitter location, increase the tower and antenna height above average terrain, make changes in the antenna system and make equipment changes with respect to Station WCSH-TV, Channel 6, Portland, Maine; and

It appearing that the Airspace Panel of the Air Coordinating Committee in Washington, D.C. on May 10, 1960, voted to disapprove the tower proposal of the above-named applicant (Case 12029, 614th meeting); and

It further appearing that the principal objections to the tower proposal of Maine Radio and Television Company were submitted by the Federal Aviation Agency; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-named applicant was advised by letter that its tower proposal had been disapproved; and that, therefore, the Commission was unable to conclude that a grant of its application, without hearing, would serve the public interest, convenience and necessity, and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned application and the reply to the Commission's letter, the Commission finds that, pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Maine Radio and Television Company is legally and financially qualified to construct, own and operate Station WCSH-TV as proposed and is technically so qualified except with respect to issue "1" below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned application of Maine Radio and Television Company is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

(1) To determine whether the antenna structure and site proposed by Maine Radio and Television Company having the geographical coordinates north latitude 43°48'12", west longitude 70°23'42", with an overall height of 1,294 feet above mean sea level, would constitute a hazard to air navigation.

(2) To determine, in the light of the evidence adduced pursuant to the foregoing issue whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That the Federal Aviation Agency is hereby made a party to this proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, Maine Radio and Television Company and the Federal Aviation Agency, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: November 14, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10708; Filed, Nov. 16, 1960;
8:50 a.m.]

[Docket Nos. 13848, 13849; FCC 60-1351]

MARTIN THEATRES OF GEORGIA, INC. (WTVM) AND COLUMBUS BROADCASTING CO., INC. (WRBL-TV)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Martin Theatres of Georgia, Inc. (WTVM), Columbus, Georgia, Docket No. 13848, File No. BMPCT-5490; Columbus Broadcasting Company, Inc. (WRBL-TV), Columbus, Georgia, Docket No. 13849, File No. BMPCT-5491; for modification of construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of November 1960;

The Commission having under consideration the above-captioned applications of Martin Theatres of Georgia, Inc. and Columbus Broadcasting Company, Inc., licensees, respectively, on Channels 9 and 3 in Columbus, Georgia, for modification of construction permits to increase antenna heights above average terrain; and to make changes in antenna systems and equipment; and

It appearing, that the Airspace Panel of the Air Coordinating Committee in Washington, D.C. (616th Meeting, Case No. 12058) voted to disapprove the proposed modifications as a hazard to air navigation; and

It further appearing that the only objections to the tower proposals of Martin

Theatres of Georgia, Inc. and Columbus Broadcasting Company, Inc. were submitted by the Federal Aviation Agency; and

It further appearing that the above-named applicants filed a joint "Request For Expedited Action"; that in said pleading they allege that the proposals do not constitute a present hazard; that the applicants request that if a hearing is required a prior conditional grant be made subject to the outcome of the hearing; that if it be determined that a hearing is required before construction is authorized, said hearing should be expedited; that they waive their rights under section 309(b) of the Communications Act of 1934, as amended, to pre-hearing letters; and that they waive their rights to an initial decision, and request that the record be certified to the Commission for a final decision; and

It further appearing that upon due consideration of the above-captioned applications the Commission finds that, pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary because of the air hazard question; that prior conditional grant of the applications would not be warranted in view of the Federal Aviation Agency's determination that the subject proposals would constitute a present aeronautical hazard; and that the showing in support of the request for an expedited hearing procedure is not sufficient since it is based on cost alone;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order upon the following issues:

(1) To determine whether the antenna sites and systems proposed by Martin Theatres of Georgia, Inc. and Columbus Broadcasting Company, Inc. having the geographical coordinates north latitude 32°19'25" and west longitude 84°46'46" and an overall height above mean sea level of 2,260 feet, would constitute a hazard to air navigation.

(2) To determine in light of the evidence adduced pursuant to the foregoing issue whether grant of the above applications would serve the public interest, convenience and necessity.

It is further ordered, That the Federal Aviation Agency is hereby made a party to the proceeding.

It is further ordered, That the request of Martin Theatres of Georgia, Inc. and Columbus Broadcasting Company, Inc. for conditional grants or, in the alternative, an expedited hearing are denied.

It is further ordered, That to avail themselves of the opportunity to be heard, Martin Theatres of Georgia, Inc., Columbus Broadcasting Company, Inc. and the Federal Aviation Agency, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed

for the hearing and present evidence on the issues specified in this order.

Released: November 14, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10709; Filed, Nov. 16, 1960;
8:50 a.m.]

[Docket Nos. 13830-13836; FCC 60M-1924]

MIDDLE TENNESSEE BROADCASTING CO. (WKRM) ET AL.

Order Scheduling Hearing

In re applications of The Middle Tennessee Broadcasting Company (WKRM), Columbia, Tennessee, Docket No. 13830, File No. BP-12393; WBAC, Inc. (WBAC), Cleveland, Tennessee, Docket No. 13831, File No. BP-12478; Florence Broadcasting Company, Incorporated (WJOI), Florence, Alabama, Docket No. 13832, File No. BP-12838; Cullman Broadcasting Company, Incorporated (WKUL), Cullman, Alabama, Docket No. 13833, File No. BP-13149; Radio Greeneville, Inc. (WGRV), Greeneville, Tennessee, Docket No. 13834, File No. BP-13167; WKGN, Inc. (WKGN), Knoxville, Tennessee, Docket No. 13835, File No. BP-13485; Franklin County Radio and Broadcasting Company, Inc. (WCDT), Winchester, Tennessee, Docket No. 13836, File No. BP-13677; for construction permits.

It is ordered, This 9th day of November 1960, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 15, 1960, in Washington, D.C.

Released: November 10, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10710; Filed, Nov. 16, 1960;
8:50 a.m.]

[Docket No. 12932; FCC 60M-1919]

MONTANA MICROWAVE

Order Continuing Hearing Conference

In re applications of James G. Edmiston, d/b as Montana Microwave, Kalispell, Montana, Docket No. 12932, File Nos. 581-C1-MP-58 (KOV-46) 582-C1-P-58 (KPC56) 583-C1-P-58 (KPC57); for construction permits to extend present microwave system from Missoula to Helena, Montana.

The Hearing Examiner having under consideration a letter dated November 7, 1960, from counsel for James G. Edmiston, d/b as Montana Microwave, and a letter dated November 8, 1960, from counsel for protestant Capital City Television, Inc. (KXLJ-TV), requesting cancellation of the prehearing conference now scheduled to be held on November 15, 1960, and continuance of the hearing without date; and

It appearing that there are presently pending before the Commission certain applications for transfer of control and

assignment of license involving, inter alia, Station KXLJ-TV, licensed to protestant, and that an agreement executed by the protestant provides, inter alia, for the dismissal of the instant proceeding if and when Commission approval of the indicated transfer of control and assignment of license is secured and the agreed upon acquisitions are consummated, a petition to dismiss the subject proceeding having been placed in escrow pending Commission approval and consummation; and

It further appearing that in the event a grant of said petition to dismiss it would become unnecessary to hold a prehearing conference and that a hearing date herein as yet has not been scheduled; and

It further appearing that in view of the above, good cause has been shown for a grant of the subject requests and that the public interest requires immediate consideration thereof;

Accordingly, it is ordered, This 9th day of November 1960, that the aforesaid requests for cancellation of the prehearing conference are granted, and that the prehearing conference now scheduled to be held at 10:00 a.m., November 15, 1960, is continued indefinitely.

Released: November 10, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10711; Filed, Nov. 16, 1960;
8:50 a.m.]

[Docket Nos. 12084-12086; FCC 60M-1913]

HERBERT MUSCHEL ET AL.

Notice of Conference

In re applications of Herbert Muschel, New York, N.Y., Docket No. 12084, File No. BPH-2184; Richard W. Brahm, d/b as Independent Broadcasting Co., New York, N.Y., Docket No. 12085, File No. BPH-2192; New Broadcasting Company, Inc., New York, N.Y., Docket No. 12086, File No. BPH-2194; for construction permits.

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 10:00 a.m. on Thursday, December 1, 1960, in Washington, D.C.

Dated: November 8, 1960.

Released: November 9, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10712; Filed, Nov. 16, 1960;
8:50 a.m.]

[Docket Nos. 13828, 13829; FCC 60M-1922]

WALTERBORO RADIOCASTING CO. (WALD) AND ALTAMAHA BROADCASTING CO. (WBGR)

Order Scheduling Hearing

In re applications of Walterboro Radiocasting Company (WALD), Walterboro, South Carolina, Docket No. 13828,

File No. BP-12246; William Glenn Thomas, tr/as Altamaha Broadcasting Company (WBGR), Jesup, Georgia, Docket No. 13829, File No. BP-12461; for construction permits.

It is ordered, This 9th day of November 1960, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 13, 1960, in Washington, D.C.

Released: November 10, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10713; Filed, Nov. 16, 1960;
8:50 a.m.]

[Docket Nos. 13844-13846; FCC 60-1342]

WCYN RADIO, INC. (WCYN) ET AL.
Order Designating Applications for
Consolidated Hearing on Stated
Issues

In re applications of WCYN Radio, Inc. (WCYN), Cynthiana, Kentucky, has: 1400 kc, 100 w, U, requests: 1400 kc, 250 w, U, Docket No. 13844, File No. BP-12717; Paul F. Braden (WPAY), Portsmouth, Ohio, has: 1400 kc, 250 w, U, requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13845, File No. BP-12910; Stokley Bowling, C. A. Diecks, H. F. Skidmore, Horace E. Tabb and J. W. Hodges, d/b as Elizabethtown Broadcasting Company (WIEL), Elizabethtown, Kentucky, has: 1400 kc, 250 w, U, requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13846, File No. BP-13766; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of November, 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 14, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that the applicant, Paul F. Braden, requests a waiver of § 3.188(d) of the rules to permit the operation of Station WPAY with a rooftop antenna and a power in excess of 500 watts but that the Commission is unable to make a determination in this matter on the basis of the information before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative to the above-captioned application and the grounds advanced in support of the request for waiver of § 3.188(d) of the rules so that the Commission may be able to determine whether the public interest would be served by a grant of the instant application; and

It further appearing that the application of Elizabethtown Broadcasting Company, licensee of Station WIEL, was not timely filed with respect to the proposed operations of WEHT, Inc., and WHUB, Inc., licensees of WEOA and WHUB, File Numbers BP-13480 and BP-12427, respectively, and therefore, the latter two applicants will be named parties respondent with respect to WIEL; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Stations WCYN, WPAY and WIEL and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Station WCYN would involve objectionable interference with Station WPAY, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Station WPAY would involve objectionable interference with Station WCYN, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Station WIEL would involve objectionable interference with Stations WEOA and WCYN as to their existing operations, and WEOA and WHUB as to their proposed operations, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether interference received by the proposed operation of Station WCYN would affect more than ten percent of the population within the proposed normally protected primary service area in contravention of § 3.28 (c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

7. To determine whether the transmitter site proposed by Station WCYN is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

8. To determine whether the proposed operation of Station WPAY would be in contravention of § 3.188(d) with particular regard to the applicant's proposal to operate with a roof-top antenna and, if so, whether circumstances exist which would warrant a waiver of said section.

9. To determine whether the instant proposal of Station WPAY is in compliance with § 3.24(g) of the Commission rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

11. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That WCYN Radio, Inc., and Paul F. Braden, licensees of WCYN and WPAY, respectively, as to their existing operations; WEHT, Inc., licensee of Station WEOA, with respect to both its existing and proposed operations; and WHUB, Inc., licensee of Station WHUB, with respect to its proposed operation, are made parties to the proceeding.

It is further ordered, That, in the event the WPAY and WIEL proposals are granted, permittee shall accept such interference as may be imposed by other existing Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondents, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issues: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 14, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10714; Filed, Nov. 16, 1960;
8:51 a.m.]

[Docket No. 6517; FCC 60M-1912]

WESTERN UNION TELEGRAPH CO. AND POSTAL TELEGRAPH, INC.

Order Continuing Hearing

In the matter of the application for merger of the Western Union Telegraph Company and Postal Telegraph, Inc., Docket No. 6517.

As a result of agreements reached upon the record of a prehearing conference held November 7, 1960: *It is ordered*, This 8th day of November 1960, that the hearing presently scheduled to commence on November 21, 1960, is hereby rescheduled to commence at 10:00 a.m., November 28, 1960, in the Commission's offices in Washington, D.C.

Released: November 9, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10715; Filed, Nov. 16, 1960;
8:51 a.m.]

[Docket No. 13262; FCC 60M-1914]

JAMES J. WILLIAMS

Order Scheduling Prehearing Conference

In re application of James J. Williams, Williamsburg, Virginia, Docket No. 13262, File No. BP-11148, for construction permit.

The Hearing Examiner having under consideration the Commission's Memorandum Opinion and Order, released November 7, 1960, remanding the above-entitled proceeding;

It is ordered, This 8th day of November 1960, that all parties or their attorneys, who desire to participate in the remanded proceeding, are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 2:00 p.m., November 22, 1960.

Released: November 9, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10716; Filed, Nov. 16, 1960;
8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11062]

PURDUE AERONAUTICS CORP.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on November 22, 1960, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 10, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-10719; Filed, Nov. 16, 1960;
8:51 a.m.]

[Docket 11610 et al.]

RESORT AIRLINES, INC.

Notice of Hearing

In the matter of joint application of Resort Airlines, Inc., and Transportation Corporation of America d/b/a Trans-Caribbean Airways, Inc., for transfer of certificate for route 135, and the matter of the application of Resort Airlines, Inc., for an order authorizing temporary suspension of service.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 5, 1960, at 10:00 a.m., e.s.t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D.C., before Examiner William J. Madden.

For further details of issues involved in this proceeding, interested persons are referred to Board order E-15470, dated June 30, 1960, and the reports of the prehearing conference served on August 30 and September 20, 1960.

Dated at Washington, D.C., November 14, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-10720; Filed, Nov. 16, 1960;
8:51 a.m.]

[Docket 11908]

TRANSATLANTIC CHARTER INVESTIGATION

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of November 1960.

As detailed in the notice of proposed rule making issued contemporaneously herewith (EDR-21, Docket 11907, Part 295), we have concluded that the continuing development of transatlantic passenger charter transportation warrants review in a formal proceeding to determine whether the public convenience and necessity require a more permanent authorization of transatlantic charter service by air carriers not pos-

sessing certificated route authority for individually ticketed passenger service across the Atlantic. Our order herein institutes such an investigation and directs consolidation therewith of pending applications for certificates of public convenience and necessity to perform transatlantic passenger charter flights.

Therefore, it is ordered:

1. That an investigation, Docket 11908, be and hereby is instituted to determine whether the public convenience and necessity require the certification of one or more air carriers to conduct transatlantic passenger charters from or to points in the United States and, if so, under what terms and conditions;

2. That the applications of the following named carriers in the dockets noted be and hereby are consolidated with the investigation instituted herein by ordering paragraph No. 1:

Applicant and Docket No.

Overseas National Airways, Inc., 8056.
United States Overseas Airlines, Inc., 8951.

3. That this proceeding be set down for prehearing conference before an examiner of the Board at a time and place hereafter to be designated;

4. That this order be served on all supplemental air carriers, on all applicants for supplemental air carrier authority, and on all other air carriers holding certificates of public convenience and necessity.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-10721; Filed, Nov. 16, 1960;
8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-117]

HOUSTON TEXAS GAS AND OIL CORP.

Notice of Application and Date of Hearing

NOVEMBER 9, 1960.

Take notice that on October 17, 1960, Houston Texas Gas and Oil Corporation (Applicant), Post Office Box 10400, St. Petersburg 33, Florida, filed in Docket No. CP61-117, as supplemented on October 27, 1960, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 0.6 mile of 3½ inch pipeline from Applicant's present meter station serving the Minute Maid Corporation near Auburndale, Polk County, Florida, to the plant of Adams Packing Assn., Inc. (Adams), where a meter and regulator station will be constructed, and to sell and deliver natural gas to Adams on a direct preferred interruptible basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver up to 2,574 Mcf of natural gas (25,740 therms) per day and approximately

320,900 Mcf (3,209,000 therms) per year for use in the Adams plant for drying citrus pulp for dairy and beef cattle feed and to produce process steam for concentrating and pasteurizing citrus juices.

The estimated total cost of the facilities proposed to be constructed is \$28,000, which will be financed from current funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 13, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application:

Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 2, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-10681; Filed, Nov. 16, 1960;
8:45 a.m.]

[Docket No. RI61-232 etc.]

REBSTOCK & REEVES DRILLING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates¹

NOVEMBER 10, 1960.

In the matter of Rebstock & Reeves Drilling Company, (Operator) et al., Docket No. RI61-232; Forest Oil Corporation (Operator), et al., Docket No. RI61-233; Forest Oil Corporation, Docket No. RI61-234; The Stevens County Oil & Gas Company, Docket No. RI61-235.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date ¹ unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI61-232...	Rebstock & Reeves Drilling Co. (Operator), et al. 200 Loyola Avenue, New Orleans 12, La.	1	8	United Fuel Gas Co. (Valentine Field, La Fourche Parish, La.).	\$4751	10-13-60	11-13-60	4-13-61	² 19.5	19.9	G-19941
RI61-233...	Forest Oil Corp. (Operator), et al. National Bank of Commerce Building, San Antonio 5, Tex.	11	3	Texas Eastern Transmission Corp. (Sal Del Rey and La Jara Fields, Hidalgo and Willacy Counties, Tex.).	3317	10-14-60	11-14-60	4-14-61	³ 14.8	15.0	G-19737
RI61-234...	Forest Oil Corp.-----	12	3	Texas Eastern Transmission Corp. (Encho Pasture Field, San Patricio Co., Tex.).	310	10-14-60	11-14-60	4-14-61	³ 14.8	15.0	G-19736
RI61-235...	The Stevens County Oil & Gas Co. % Mark H. Adams, Attorney, 209 Board of Trade Building, Wichita 2, Kans.	22	1	Kansas-Colorado Utilities, Inc., (Hugoton Field, Kearny Co., Kans.).	363	10-17-60	11-18-60	4-18-61	12.0	13.0	-----

¹ The proposed effective dates are the first days after the required thirty days notice or, if later, the date requested by Respondent.

² The pressure base is 15.025 psia.

³ The pressure base is 14.65 psia.

Rebstock and Reeves Drilling Company (Rebstock), in support of its proposed periodic increased rate, states that the contract price is an integral part of the initial rate filing, the price of gas is below that of competing fuels, costs of goods and services, as well as costs of exploration and development have increased in recent years. Rebstock further lists initial and average base prices for six recently negotiated contracts in the area to indicate that the proposed increased rate is below the market value of the gas. Rebstock requests an effective date of November 13, 1960.

In support of its proposed increases, Forest Oil Corporation (Operator), et al., and Forest Oil Corporation (Forest) state that their proposed periodic rate increases were the major consideration of arm's length bargaining between the parties, the proposed rates are below the price of similar gas in the area and the increases are necessary to offset increased expenses of operation and exploration and to attract risk capital. Forest requests effective dates of November 1, 1960.

The Stevens County Oil and Gas Company (Stevens), in support of its pro-

posed periodic rate increase, states that it is provided in an arm's length contract and that such rate approximates the market value of the gas. Stevens requests an effective date of November 18, 1960.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notices

from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 27, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-10732; Filed, Nov. 16, 1960;
8:53 a.m.]

[Docket No. G-2345]

TEXAS GAS TRANSMISSION CORP.

Notice of Postponement of Hearing

OCTOBER 26, 1960.

Upon consideration of the motion filed October 19, 1960, by Counsel for Texas Gas Transmission Corporation for postponement of the hearing now scheduled for October 31, 1960, in the above-designated matter;

The hearing now scheduled for October 31, 1960 is hereby postponed to November 29, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-10733; Filed, Nov. 16, 1960;
8:53 a.m.]

FEDERAL RESERVE SYSTEM

BAYSTATE CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Baystate Corporation for prior approval of acquisition of voting shares of Manufacturers National Bank of North Attleborough, North Attleboro, Massachusetts.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Baystate Corporation, Boston, Massachusetts, for the Board's prior approval of the acquisition of up to 100 percent of the voting shares of Manufacturers National Bank of North Attleborough, North Attleboro, Massachusetts; a Notice of Receipt of Application having been published in the FEDERAL REGISTER on August 3, 1960, 25 F.R. 7289, which provided interested persons an opportunity to file comments and views regarding the proposed acquisition; and the time for filing such comments and views having expired and no such comments or views having been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that the said application be and hereby is granted, and the acquisition of Baystate Corporation of up to 100 percent of the voting shares of Manufacturers National Bank of North Attleborough, North Attleboro, Massa-

chusetts, is hereby approved, provided (1) that such acquisition is completed within three months from the date hereof, and (2) that no action be taken by Baystate Corporation, Boston, Massachusetts, the First National Bank of Mansfield, Mansfield, Massachusetts, or Manufacturers National Bank of North Attleborough, North Attleboro, Massachusetts, that will result in the termination of the corporate existence of either Manufacturers National Bank of North Attleborough or the First National Bank of Mansfield as a separate, functioning banking institution within 60 days following the date of this order.

Dated at Washington, D.C., this 10th day of November 1960.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-10682; Filed, Nov. 16, 1960;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3910]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Stock Dividend

NOVEMBER 9, 1960.

Notice is hereby given that American Electric Power Company, Inc. ("American"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transaction.

All interested persons are referred to said declaration on file in the offices of the Commission for a statement of the proposed transaction which is summarized as follows:

Pursuant to a resolution of its board of directors on October 26, 1960, American proposes to declare a stock dividend at the rate of one share on each 40 shares of \$10 par value Common Stock outstanding, payable January 10, 1961 to holders of record on December 9, 1960.

As of September 30, 1960, the earned surplus of American was \$72,451,491. American has presently outstanding 21,369,889 shares of its Common Stock with a par value of \$10 per share or an aggregate of \$213,698,890. If the maximum number of shares are issued, the stock dividend will involve the issuance of 534,247 shares and will bring the total number of shares to 21,904,136 with an aggregate par value of \$219,041,360. American proposes to debit its earned surplus with an assigned value of \$50 per share of its Common Stock to be issued as such stock dividend, or a total of not to exceed \$26,712,350; to credit the Common Stock account with \$10 per share, being the par value of such stock or a total of not to exceed \$5,342,470; and to credit Capital Surplus—Premium on Common Stock account with the excess of such assigned value over such par value, or a total of not to exceed \$21,369,880.

No fractional shares of Common Stock will be issued in connection with the stock dividend. American proposes, in lieu thereof, to mail to each stockholder who would otherwise be entitled to a fractional share a letter advising such holder that arrangements have been made with Morgan Guaranty Trust Company of New York, Agent, pursuant to which such holder will be entitled during a period of 24 days, to instruct the Agent to take within such period either of the following courses of action with respect to the fractional interest to which such holder would otherwise be entitled: (1) To consolidate such fractional interest into one full share of Common Stock upon payment by such holder to the Agent of the cost of the additional fractional interest required to effect such consolidation, or (2) to sell such fractional interest on behalf of such holder. The communication so mailed will further advise that if the Agent shall not have received any instructions from such holder prior to the expiration of such period, the fractional interest to which such holder would otherwise be entitled will be sold for the account of such holder. The Agent will be authorized to execute consolidation and sale requests received from time to time by matching the same upon the basis of the currently prevailing market price of shares of Common Stock of American as determined by the Agent in its discretion.

In the event that, at the expiration of the period, the Agent shall have received requests for consolidation calling for an aggregate number of shares of Common Stock of American which is greater than the aggregate number of shares of Common Stock represented by all fractional interests, the Agent will acquire the necessary additional shares of Common Stock by purchases on the New York Stock Exchange or otherwise. In the event that, at the expiration of the period, after giving effect to all requests for consolidation and sale of fractional interests, there shall remain any of the aggregate number of shares of Common Stock represented by all fractional interests, the Agent will sell the balance on the New York Stock Exchange or otherwise. Cash proceeds received by the Agent in respect of fractional interests which are sold will be remitted to the holders of shares of Common Stock of American entitled thereto.

The services of the Agent will be rendered without charge to stockholders effecting consolidations and dispositions of fractional interests.

It is stated that no commission, other than this Commission, has jurisdiction over the proposed transaction.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than November 28, 1960, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 60-10688; Filed, Nov. 16, 1960;
8:46 a.m.]

[File No. 54-211]

CENTRAL PUBLIC UTILITY CORP.

Order Approving Modification of Plan

NOVEMBER 9, 1960.

The Commission having, on December 4, 1953, entered its Findings and Opinion (35 S.E.C. 462) and Order approving a plan ("1953 plan") filed by Central Public Utility Corporation ("Cenpuc"), a registered holding company, under section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") which, among other things, provided for the distribution by Cenpuc to its stockholders, on a pro rata basis, of the reclassified stock of its public-utility subsidiary, Central Indiana Gas Company ("Central Indiana"); and

An amendment to said plan having been approved by the Commission on October 15, 1959 (Holding Company Act Release No. 14075) to allow for the consolidation of Cenpuc, which had been granted an exemption from the Act, and two other companies into a new corporation named Consolidated Electronics Industries Corp. ("Con Electron"); and

Holders of Cenpuc's Twenty-Year 5½% Income Bonds having had under another section 11(e) plan (33 S.E.C. 555 (1952), as amended, Holding Company Act Release No. 14046 (August 21, 1959)), until August 31, 1960, the right to exchange their securities for shares of the surviving company, Con Electron (or for \$28 per share in cash if they objected to the consolidation); and

Baltimore National Bank, the exchange agent, being required under the 1953 plan to return to Central Indiana all unexchanged shares of Central Indiana for extinguishment and all dividends thereon for Central Indiana's own use; and

Con Electron having filed a further amendment to the 1953 plan so as to provide for retention by the exchange agent for an interim period of 178 shares of the common stock of Central Indiana and dividends thereon aggregating \$1,044 for possible distribution to Cenpuc bondholders in connection with two pending and three disputed claims; and

The Commission having considered the amendment and finding it appropriate in the public interest and in the interest of investors that said amendment to the plan be approved:

It is ordered, Pursuant to section 11(e) of the Act, that the above-described amendment to the plan be, and hereby is, approved, subject to the following condition:

That jurisdiction be, and hereby is, generally reserved to the Commission to entertain such further proceedings and to take such further action as it may deem appropriate in connection with this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 60-10689; Filed, Nov. 16, 1960;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 409]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 14, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition: The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35354. By order of November 9, 1960, the Transfer Board approved the lease to L. A. White; doing business as White Transfer Company, Asheville, N.C., of that portion of Certificate No. MC 37421, issued June 9, 1958, to Homer S. Robinson, doing business as W. R. Candler Transfer Company, Asheville, N.C., authorizing the transportation of: Apple products, from Inwood, W. Va., and Winchester, Waynesboro and Front Royal, Va., to Bristol, Tenn., and points as specified in North Carolina; canned goods, from Newport, Tenn., Whiteland and Greenwood, Ind., Chicago, Blue Island, Morton, Eureka, Washington, DeKalb, and Rochelle, Ill., and Warsaw and Roanoke, Va., and points within 50 miles thereof, to points as specified in North Carolina and South Carolina; Cottonseed meal, from Columbia, Newberry, Greenwood, Anderson and Greenville, S.C., and Augusta, Ga., to points as specified in North Carolina; dimension stock lumber, from Black Mountain and Asheville, N.C., to Chicago, Ill.; electrical supplies, from Cincinnati, Tiffin and Dayton, Ohio, to points as specified in North Carolina; empty bottles, from Laurens, S.C., and Chattanooga, Tenn., to Asheville, N.C.; fresh vegetables, from points in Charleston, Dorchester, Berkeley, Bamberg, Williamsburg, Barnwell, Georgetown, Jas-

per, Hampton, Allandale, Colleton, Clarendon, and Orangeburg Counties, S.C., to points as specified in North Carolina; glass fruit jars and fruit jar rings, from Muncie, Ind., to points as specified in North Carolina; groceries, from Asheville, N.C., Richmond and Norfolk, Va., Chattanooga, Tenn., Charleston, Greenville and Columbia, S.C., Cincinnati, Ohio, Louisville, Ky., Indianapolis, Ind., and Chicago, Ill., to points in North Carolina and Tennessee as specified; hides, from Chicago, Ill., to Asheville, N.C.; hides, grease, tallow, and scrap metal, from Asheville, N.C., to Richmond and Roanoke, Va., Louisville, Ky., Akron, Ohio, and Chicago, Ill.; liquid gas fuel, from Clendenin, W. Va., to Asheville, N.C.; malt beverages, from Cincinnati, Ohio, to Asheville, N.C.; empty malt beverage containers, from Asheville, N.C., to Cincinnati, Ohio; paper and paper products, from Canton and Asheville, N.C., to points as specified in Virginia, Ohio, Tennessee and South Carolina, from Cincinnati, Hamilton, Middletown and Troy, Ohio, and Richmond and Norfolk, Va., to Asheville, N.C., and from Chicago, Ill., and Hattstown, W. Va., to points as specified in North Carolina; rags, scrap paper, and scrap metal, from Asheville, N.C., to Cincinnati and Lockland, Ohio; roots and herbs, from Asheville, N.C., to Chicago, Ill.; scrap metals, from Asheville, N.C., to points as specified in Virginia, Illinois, Ohio, Kentucky, Indiana, and Pennsylvania; and wiping rags, from Asheville, N.C., to Cincinnati, Ohio, Louisville, Ky., and Indianapolis, Ind. Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md., for applicants.

No. MC-FC 63459. By order of November 9, 1960, the Transfer Board approved the transfer to Capwell Trucking, Inc., Norristown, Pa., of the operating rights authorized to Star Cartage, Inc., Steubenville, Ohio, in Certificate No. MC 33548, Corrected Certificate No. MC 33548 Sub 1, and Certificate No. MC 33548 Sub 2, issued July 21, 1959, September 22, 1960, and September 2, 1960, respectively, authorizing the transportation, over irregular routes, of general commodities, except Class A and B explosives, and household goods, between points in Jefferson, Belmont, Harrison, Carroll, and Columbiana Counties, Ohio, Marshall, Ohio, Brooks, and Hancock Counties, W. Va., and Washington, Beaver, and Allegheny Counties, Pa., household goods, between points in the above-described counties, on the one hand, and, on the other, points in Ohio, West Virginia, Pennsylvania, New York, New Jersey, Maryland, Delaware, Virginia, North Carolina, Kentucky, Indiana, Illinois, Michigan, and the District of Columbia, and between points in Belmont County, Ohio, on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia, and contractor's equipment, machinery, and machine parts, and articles requiring specialized handling or rigging because of size or weight, between points in Columbiana, Mahoning, and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Beaver, Lawrence, and Mercer Counties, Pa., and Hancock County, W. Va. Bert Collins, 140 Cedar

Street, New York 6, New York, for applicants.

No. MC-FC 63534. By order of November 9, 1960, the Transfer Board approved the transfer to William H. Larkin and John R. Larkin, a partnership, doing business as Larkin Transport, Glenshaw, Pa., of Certificates in Nos. MC 59156, and MC 59156 Sub 3, issued May 28, 1952, and December 24, 1952, respectively, to MacDonald Trucking Co., A Corporation, Wakefield, Mass., authorizing the transportation of: Cork, boilers, metal sinks, metals, heaters and parts, metal condensers cases, metal containers, sheet steel, empty boxes used in the transportation of the above-specified commodities building materials and supplies and tools, sawdust and shavings, and a wide variety of other specific commodities, from, to, or between, specified points in Connecticut, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Mary E. Kelley, 10 Tremont Street, Boston, Mass., for applicants.

No. MC-FC 63541. By order of November 9, 1960, the Transfer Board approved the transfer to Trego Bros., Inc., Wilmington, Delaware, of the operating rights authorized to James E. Mink, doing business as J. E. Mink, Northeast, Maryland, in Certificate No. MC 119180, issued March 15, 1960, authorizing the transportation, over irregular routes, of sand, gravel, and crushed stone, in dump vehicles, from points in Cecil County, Md., to points in Delaware. H. James Conaway, Jr., Bank of Delaware Building, Wilmington 1, Delaware, for applicants.

No. MC-FC 63549. By order of November 9, 1960, the Transfer Board approved the transfer to James Ganci, Inc., Ridgewood, Brooklyn, N.Y., of Permit in No. MC 24107, issued June 21, 1943, to James Ganci, Ridgewood, Brooklyn, N.Y., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business; and fruits, vegetables, farm products, poultry, and seafood, in the seasons of their production, from, to, or between,

specified points in New Jersey and New York. William D. Traub, 10 East 40th Street, New York 16, N.Y., for applicants.

No. MC-FC 63553. By order of November 9, 1960, the Transfer Board approved the transfer to Fred Jurin, Inc., New York, N.Y., of Permit in No. MC 15417, issued July 29, 1943, to Fred Jurin, New York, N.Y., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in a specified part of New York, New Jersey, and Connecticut. William D. Traub, 10 East 40th Street, New York 16, N.Y., for applicants.

No. MC-FC 63561. By order of November 9, 1960, the Transfer Board approved the transfer to Anna M. Hanssen, doing business as Hanssen's Truck Line, Westcliffe, Colo., of Certificates in Nos. MC 28595 Sub 1 and MC 108675, issued June 2, 1947 and August 21, 1947, respectively, to John Hanssen, doing business as Hanssen Truck Line, Westcliffe, Colo., authorizing the transportation of: General commodities, with the usual exceptions, and passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Texas Creek, Colo., and Westcliffe, Colo. Roger M. Breyfogle, 424 Macon Avenue, Canon City, Colo., for applicants.

No. MC-FC 63687. By order of November 10, 1960, the Transfer Board approved the transfer to Ray's Transport Limited, a corporation, Chamcook, New Brunswick, Canada, of Certificate No. MC 117562 Sub 1, issued December 1, 1959, to Raymond Merchant, Chamcook, New Brunswick, Canada, authorizing the transportation of: Lumber from port of entry on the United States-Canada Boundary line at or near Calais, Maine, to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey and Pennsylvania, and empty skids or pallets used in the transportation of lumber, from the above-specified destination points to port of entry on the United States-Canada Boundary line at or near Calais,

Maine. Francis E. Barrett, Jr., Attorney for applicants, 25 Bryant Avenue, East Milton 86 (Boston), Mass.

No. MC-FC 63699. By order of November 8, 1960, the Transfer Board approved the transfer to Edwin Swan, Jr., Philadelphia, Pa., of Certificate in No. MC 108055, issued March 22, 1943, to Jack P. Oliver, doing business as Oliver's Express, Atlantic City, N.J., authorizing the transportation of: Paper boxes, set up, in bundles, from Philadelphia, Pa., to points in New Jersey and New York; from Riverside, N.J., to points in Pennsylvania; paper boxes, knocked-down flat, in bundles, from Ridgefield, N.J., to points in Pennsylvania. Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa., for applicants.

No. MC-FC 63707. By order of November 8, 1960, the Transfer Board approved the transfer to R. A. Bozarth, Inc., Vineland, N.J., of Certificate No. MC 109434, issued February 6, 1953, to Richard Ardson Bozarth, doing business as R. A. Bozarth, Vineland, N.J., authorizing the transportation of general commodities, excluding commodities in bulk, and various specified commodities, but including household goods, over irregular routes, between Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, Lambertville, and Asbury Park, N.J., and points in New Jersey south of a line beginning at Lambertville, N.J., and extending in an easterly direction to Asbury Park, N.J.; agricultural commodities, from points in Gloucester, Salem, and Cumberland Counties, N.J., to Baltimore, Md., and Philadelphia, Pa.; fertilizer, from Chestertown, Md., to Elmer and Swedesboro, N.J.; from Baltimore, Md., to Swedesboro, N.J.; lime, from Plymouth Meeting, and Bridgeport, Pa., to Elmer, N.J.; and limestone, from Bridgeport, Pa., to points in Salem, Cumberland, Gloucester, Camden, Burlington, and Atlantic Counties, N.J. Harry Adler, 80 West Broad Street, Bridgeton, N.J., for applicants.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-10695; Filed, Nov. 16, 1960;
8:48 a.m.]

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311	10736
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PROPOSED RULES:

7	10850
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38 CFR

17	10662
21	10533
36	10763

39 CFR

168	10869
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41 CFR

18-1	10763
18-9	10766

42 CFR

73	10772
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43 CFR

PUBLIC LAND ORDERS:

1932	10895
1939	10500
2205	10497

44 CFR

100	10571
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46 CFR

2	10616
4	10617
25	10617
32	10617
33	10618
34	10621
35	10621
36	10622
38	10623
39	10623
43	10934
55	10623
71	10625
75	10625
76	10629
78	10629
91	10629
94	10630
95	10633
97	10633
98	10634
110	10635
111	10635
112	10636
113	10636
160	10636
162	10640
167	10642

47 CFR

3	10736
7	10769
8	10769
9	10769
10	10769
11	10769
16	10769
19	10769

PROPOSED RULES:

1	10738
10	10948
11	10603

49 CFR

170	10934
194	10770

PROPOSED RULES:

25	10893
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50 CFR

32	10771, 10871, 10935
33	10663, 10871
255	10458